

Timothy Record
October 03, 2019

TIMOTHY RECORD vs HANNAFORD BROS.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

TIMOTHY RECORD,)	
)	
Plaintiff,)	
v.)	Civil Action 1:19-CV-00034-LM
)	
HANNAFORD BROS. CO., LLC,)	
)	
Defendant)	

DEPOSITION of TIMOTHY RECORD, taken pursuant to notice, at the law office of Libby O'Brien Kingsley & Champion, LLC, 62 Portland Road, Suite 17, Kennebunk, Maine, on October 3, 2019, commencing at 10:22 A.M., before Amy J. Linscott, Registered Professional Reporter, a Notary Public in and for the State of Maine.

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<p>Page 2</p> <p>1 APPEARANCES:</p> <p>2 For the Plaintiff</p> <p>3 CHRISTOPHER J. FISCHER, ESQ.</p> <p>4 Boynton, Waldron, Doleac, Woodman & Scott, P.A., 82 Court</p> <p>5 Street, Portsmouth, New Hampshire 03801 - (603) 775-0002</p> <p>6</p> <p>7 For the Defendant</p> <p>8 TIMOTHY J. O'BRIEN, ESQ.</p> <p>9 Libby O'Brien Kingsley & Champion, LLC, 62 Portland Road,</p> <p>10 Suite 17, Kennebunk, Maine 04043 - (207) 985-1815</p> <p>11</p> <p>12 Also Present:</p> <p>13 Anne Cunningham</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 4</p> <p>1 EXHIBITS OF EXHIBITS (Continued)</p> <p>2 NO. DESCRIPTION PAGE</p> <p>3 13 Medical Records from Jeffrey M. Wagner, Ph.D 83</p> <p>4 14 Memo by Kyle Lasher, 8/13/17 88</p> <p>5 15 Series of E-mails, September 2017 92</p> <p>6 16 Transcript of Voicemail Message, September 21, 97</p> <p>7 2017</p> <p>8 17 Letter from Theresa Dube, September 30, 2017 101</p> <p>9 18 Series of Notes 107</p> <p>10</p> <p>11 (Original exhibits are attached.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 3</p> <p>1 INDEX OF TESTIMONY</p> <p>2 DEPONENT PAGE</p> <p>3 TIMOTHY RECORD</p> <p>4 By Mr. O'Brien 5</p> <p>5 By Mr. Fischer 121</p> <p>6</p> <p>7 EXHIBITS OF EXHIBITS</p> <p>8 NO. DESCRIPTION PAGE</p> <p>9 1 Series of Policies 13</p> <p>10 2 Handwritten Notes 22</p> <p>11 3 Golden Harvest Employee Policy 26</p> <p>12 4 McKinnon's Markets Documents 28</p> <p>13 5 Record of Conversation and Coaching Memo 32</p> <p>14 Documentation</p> <p>15 6 Hannaford Retail Performance Appraisal, 39</p> <p>16 Timothy Record, 4/2/15</p> <p>17 7 Delhaize America Performance Counseling Form, 40</p> <p>18 Tim Record, 4/16/15</p> <p>19 8 Equal Employment Opportunity Commission Charge 43</p> <p>20 of Discrimination</p> <p>21 9 Note prepared by Jeff Howard, November 6, 2017 61</p> <p>22 10 E-mail Chain, August 25, 2017 68</p> <p>23 11 Conversation Recap, August 26, 2017 70</p> <p>24 12 E-mail, August 31, 2017 77</p> <p>25 (Exhibits continued on next page.)</p>	<p>Page 5</p> <p>1 TIMOTHY RECORD, having been sworn by the Notary</p> <p>2 Public, was examined and deposited as follows:</p> <p>3 EXAMINATION BY MR. O'BRIEN:</p> <p>4 Q. Good morning, Mr. Record. My name is Tim O'Brien,</p> <p>5 and I'm the attorney for Hannaford Bros. in this</p> <p>6 matter, and I'll be asking you a series of questions</p> <p>7 today. If you don't understand any of the questions</p> <p>8 that I pose, there's no problem, just let me know</p> <p>9 and I'll be happy to rephrase it; is that fair?</p> <p>10 A. Mm-hmm.</p> <p>11 Q. Is that -- the other thing is, what I'd ask you to</p> <p>12 do is, you have to verbally respond to each of the</p> <p>13 questions that I pose because the nods of the heads</p> <p>14 or saying something like mm-hmm, you know, may not</p> <p>15 be fully reflected on the transcript, and so for</p> <p>16 full accuracy I would just ask that you verbalize</p> <p>17 each and every one of your responses. Is that a</p> <p>18 fair approach as well?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Thank you.</p> <p>21 If you need to take a break at any point,</p> <p>22 either this morning or this afternoon, please just</p> <p>23 let me know and we'll be happy to accommodate that.</p> <p>24 Is that a fair approach as well?</p> <p>25 A. Yes, thank you.</p>

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<p style="text-align: right;">Page 6</p> <p>1 Q. Okay. At the outset I have to ask you whether or</p> <p>2 not you're taking any medication or have any medical</p> <p>3 condition that would limit your ability to listen to</p> <p>4 and fully comprehend and understand and respond to</p> <p>5 the questions that I'm posing today?</p> <p>6 A. I am taking a generic version of Lexapro.</p> <p>7 Q. Okay. And will that impact your ability to listen</p> <p>8 to, understand, and be fully responsive to the</p> <p>9 questions that I ask today?</p> <p>10 A. No.</p> <p>11 Q. Okay. Thank you.</p> <p>12 With that then I'm just going to begin with</p> <p>13 some background questions and then we'll move into</p> <p>14 some of the more substantive issues. But, from a</p> <p>15 global perspective, if I understand correctly, you</p> <p>16 began working for Hannaford Bros. at its Hampton</p> <p>17 store as a service team leader in the deli</p> <p>18 department in October of 2007?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. Do you recall who was the deli department</p> <p>21 manager at that time?</p> <p>22 A. Ray McCubrey.</p> <p>23 Q. What was his last name?</p> <p>24 A. McCubrey.</p> <p>25 Q. And do you happen to know how to spell it?</p>	<p style="text-align: right;">Page 8</p> <p>1 that to my attention.</p> <p>2 So, if I understand correctly then, in 2010 you</p> <p>3 ultimately applied for and were offered a position</p> <p>4 as the evening operations manager at the Portsmouth</p> <p>5 store and you started there in January 2011?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And who was the store manager at that point</p> <p>8 in time, if you can recall?</p> <p>9 A. Farah Lavigne.</p> <p>10 Q. Farrell Lavigne?</p> <p>11 A. Farah.</p> <p>12 Q. Farah?</p> <p>13 A. Yeah, F-A-R-A-H.</p> <p>14 Q. Okay. Lavigne. Thank you.</p> <p>15 And do you remember who the assistant store</p> <p>16 manager was at that point in time?</p> <p>17 A. I do not.</p> <p>18 Q. Okay. And if I understand correctly, you continued</p> <p>19 in that position until June of '14, June of 2014,</p> <p>20 when you applied for and were selected to be the</p> <p>21 assistant manager of customer service back in the</p> <p>22 Hampton store?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And then in -- you continued in that position</p> <p>25 until April of 2015, when you moved over to be the</p>
<p style="text-align: right;">Page 7</p> <p>1 A. I don't -- I think it's M-C-C-U-B-R-A-Y.</p> <p>2 Q. All right. Great. And how long was he your manager</p> <p>3 there?</p> <p>4 A. About two years.</p> <p>5 Q. Okay. And then my next question is, if I understand</p> <p>6 correctly, in 2009 you were promoted to the position</p> <p>7 of assistant deli manager at that Hampton store; is</p> <p>8 that right?</p> <p>9 A. That's correct.</p> <p>10 Q. All right. And did you have the same deli</p> <p>11 manager --</p> <p>12 A. Yes.</p> <p>13 Q. -- at that point in time? Okay.</p> <p>14 MR. FISCHER: If I could just interject, if</p> <p>15 you can wait for Tim to finish the question before</p> <p>16 you respond, just so we have a clear record. So</p> <p>17 let Tim ask his question and then you respond so</p> <p>18 you're not talking over one another.</p> <p>19 THE DEPONENT: Yes.</p> <p>20 BY MR. O'BRIEN:</p> <p>21 Q. Great, yeah. We as human beings have a natural</p> <p>22 tendency, attorneys as well, to try to jump ahead</p> <p>23 because we know what the question and/or answer is</p> <p>24 and so, just as he gave you that guidance, I'll try</p> <p>25 to follow it as well, and if I don't please bring</p>	<p style="text-align: right;">Page 9</p> <p>1 assistant manager in the seafood department in the</p> <p>2 Hampton store?</p> <p>3 A. Yes.</p> <p>4 Q. All right. And you continued in that position as</p> <p>5 the assistant manager in the seafood department</p> <p>6 until you departed your employment in 2017?</p> <p>7 A. Yes.</p> <p>8 Q. All right. And who was your manager when you were</p> <p>9 the assistant manager in the seafood department when</p> <p>10 you obtained the position in April of 2015, if you</p> <p>11 recall?</p> <p>12 A. I can't remember who that was. I think it was --</p> <p>13 wasn't there for a very long period of time. I</p> <p>14 think it might have been Tanya -- I can't remember.</p> <p>15 Q. Okay. Was there another position who -- was there</p> <p>16 another individual who was hired who you worked for</p> <p>17 longer when you were the assistant manager?</p> <p>18 MR. FISCHER: Objection to form.</p> <p>19 MR. O'BRIEN: I'll withdraw the question.</p> <p>20 BY MR. O'BRIEN:</p> <p>21 Q. After that Tanya, whoever it was, departed, who was</p> <p>22 the next manager that you reported to when you were</p> <p>23 the assistant manager of the seafood department?</p> <p>24 A. His name was Will, but I can't remember his last</p> <p>25 name.</p>

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<p style="text-align: right;">Page 10</p> <p>1 Q. Okay. Were there any other managers that you worked 2 for when you were the assistant manager of the 3 seafood department other than those first two 4 individuals that you identified? 5 A. Not that I can recall. 6 Q. Okay. And was there a time period in which you ever 7 reported to an individual by the name of Bruce 8 Grover? 9 A. Yes. 10 Q. And when was that? Would that have been when he was 11 hired into that position in February of 2017? 12 A. Yes. 13 Q. Okay. And prior to that had you ever worked with 14 Bruce Grover at all in the past? 15 A. No. 16 Q. Okay. Could you describe for me the organizational 17 structure of the seafood department vis-a-vis the 18 meat department as far as the reporting structure? 19 A. The reporting structure? Well, I was the assistant 20 seafood manager, Bruce Grover was the manager of 21 both the meat department and myself and the other 22 associates in the seafood department. 23 Q. Okay. So Bruce Grover was the manager of the meat 24 department, but also of the seafood department, if I 25 understand correctly?</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Throughout your tenure at Hannaford, did you receive 2 training? 3 A. Yes. 4 Q. All right. And did you receive training in seafood 5 operations and the management of the seafood 6 department? 7 A. Not completely. 8 Q. All right. Why don't you then, instead of me asking 9 you individually, can you tell me what type of 10 training that you did receive at Hannaford? 11 A. For the seafood department? 12 Q. First for the seafood department and then we'll go 13 more globally. 14 A. The seafood department, I received training in 15 customer service, ordering procedures. I think that 16 was it, really. 17 Q. All right. What about inventories -- 18 A. Partial training -- 19 Q. Okay. 20 A. -- in inventories. 21 Q. All right. And you worked in the seafood department 22 since April of 2015? 23 A. Correct. 24 Q. Okay. Is it fair to say that you also received 25 training from Hannaford on various policies that the</p>
<p style="text-align: right;">Page 11</p> <p>1 A. That's correct. 2 Q. Okay. And within the seafood department who were 3 the other -- as of February of 2017 onward, who were 4 the other associates working in the seafood 5 department? 6 A. There was a woman named Linda, a gentleman named 7 Ray, I believe, and I think myself were the only 8 three in the seafood department. 9 Q. And do you recall the associates who worked in the 10 meat department? 11 A. Yes. 12 Q. And do you recall their names and if so could you 13 provide them to us? 14 A. There was Don Waters, Dan Acuna, Joe Dodge, Stephen 15 Gray, Pam Proctor, and I think that's all that I 16 could remember. 17 Q. Okay. Thank you. 18 Throughout your tenure at Hannaford, is it fair 19 to say that you received training in different 20 subject areas? 21 MR. FISCHER: Objection to form, but you can 22 answer the question. 23 MR. O'BRIEN: I'll rephrase the question 24 based upon the objection. 25 BY MR. O'BRIEN:</p>	<p style="text-align: right;">Page 13</p> <p>1 company maintains? 2 A. Yes. 3 Q. All right. And one of those policies is respect in 4 the workplace? 5 A. Yes. 6 Q. All right. And how often would you say that you 7 received training on respect in the workplace? Was 8 it on an annual basis? 9 A. It was, I believe, on an annual basis. 10 Q. Okay. And then in addition to training on respect 11 in the workplace, I assume that you received some 12 information and/or training on the company's I-Share 13 program, I -- capital I-Share program? 14 A. I don't recall that. 15 Q. Okay. All right. Are you familiar with the 16 company's I-Share program and policy? 17 A. Not fully. 18 (Exhibit 1, Series of Policies, marked for 19 identification.) 20 BY MR. O'BRIEN: 21 Q. All right. I'm going to show you what's been marked 22 as your Deposition Exhibit Number 1, which is a 23 series of policies, and we'll just walk through them 24 relatively quickly, but if I could just first turn 25 your attention to the first policy entitled Respect</p>

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<p style="text-align: right;">Page 14</p> <p>1 in the Workplace.</p> <p>2 MR. FISCHER: Just for the record, is there a</p> <p>3 question on the table?</p> <p>4 MR. O'BRIEN: No, we're just allowing him to</p> <p>5 review it right now.</p> <p>6 MR. FISCHER: All right.</p> <p>7 BY MR. O'BRIEN:</p> <p>8 Q. Okay. Before -- if I could interject, before</p> <p>9 proceeding beyond the Respect in the Workplace</p> <p>10 policy, I just have a couple of questions, and the</p> <p>11 first one is: After reviewing this, do you</p> <p>12 recognize this as the Respect in the Workplace</p> <p>13 policy that Hannaford had in place while you were an</p> <p>14 employee?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And if you could turn to the second page of</p> <p>17 this policy, under Procedures for Reporting</p> <p>18 Harassment and/or Discrimination, under A -- the</p> <p>19 second sentence of that says: There are several</p> <p>20 ways to report harassment or discrimination. Do you</p> <p>21 see that sentence?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And then, under A, it says: Notify any of</p> <p>24 the following individuals. The first one is a</p> <p>25 member of management, the second is the associate</p>	<p style="text-align: right;">Page 16</p> <p>1 Do you recognize this -- are you familiar with</p> <p>2 this policy from your time at Hannaford?</p> <p>3 A. I don't recall this one.</p> <p>4 Q. Okay. All right. Then we'll turn to the next one,</p> <p>5 which is the I-Share policy and program, which is</p> <p>6 three pages in length, and I'd ask you if you -- if</p> <p>7 after reviewing this you remember this from your</p> <p>8 time at Hannaford?</p> <p>9 A. Yes.</p> <p>10 Q. After reviewing that policy, are you familiar -- do</p> <p>11 you recall having access to or being familiar with</p> <p>12 that policy while you were at Hannaford?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And do you -- and what do you recall about</p> <p>15 it, the I-Share policy, from your time at Hannaford?</p> <p>16 A. I recall it was available.</p> <p>17 Q. Okay. If I could turn your attention to the second</p> <p>18 page of the I-Share policy -- you might have to go</p> <p>19 back one or two pages. One more page. And it's</p> <p>20 entitled I-Share, dash, Frequently Asked Questions,</p> <p>21 and the first question is: How do I report a</p> <p>22 concern or ask a question? You have many options,</p> <p>23 colon. Did I read that correctly?</p> <p>24 A. Yes, did you.</p> <p>25 Q. Okay. Number one, Discuss with your supervisor.</p>
<p style="text-align: right;">Page 15</p> <p>1 relations representative for his or her store or</p> <p>2 district, and the third one is the director or vice</p> <p>3 president of associate relations for his or her</p> <p>4 region. Did I read them correctly?</p> <p>5 A. Yes.</p> <p>6 Q. All right. And then, in addition, under B, it says:</p> <p>7 Alternatively, associates may report any concerns or</p> <p>8 possible violations of this or any other policy by</p> <p>9 calling I-Share, and then provides the 1-800 number</p> <p>10 for I-Share. Did I read that correctly?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. We can turn to the next policy, please. The</p> <p>13 next policy is Diversity and Inclusion, policy</p> <p>14 number 201. Are you familiar with this policy from</p> <p>15 your time at Hannaford?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And was this included in some of the annual</p> <p>18 training that you had received, the subject matter?</p> <p>19 A. I do not recall this.</p> <p>20 Q. Okay. Being included in the training?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. The next policy is Equal Opportunity. I'd</p> <p>23 ask you to take a look at that and tell me if you</p> <p>24 are familiar with that policy from your time at</p> <p>25 Hannaford?</p>	<p style="text-align: right;">Page 17</p> <p>1 Did I read that correctly?</p> <p>2 A. Discuss with your direct supervisor.</p> <p>3 Q. With your direct supervisor, thank you. Number one,</p> <p>4 Discuss with your direct supervisor. Did I read</p> <p>5 that correctly?</p> <p>6 A. You did.</p> <p>7 Q. Thank you. Number two, Discuss with your local</p> <p>8 human resources, legal or compliance representative.</p> <p>9 Did I read that correctly?</p> <p>10 A. You did.</p> <p>11 Q. All right. Number three, Access the I-Share network</p> <p>12 as follows, colon: A, toll-free 24/7 by phone, and</p> <p>13 then it provides the 800 number. Did I read that</p> <p>14 correctly?</p> <p>15 A. Yes.</p> <p>16 Q. B, on the web 24/7 at colon, www.ethicspoint.com.</p> <p>17 Did I read that correctly?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. C, through the Delhaize America intranet or</p> <p>20 your specific banner's intranet pages. Did I read</p> <p>21 that correctly?</p> <p>22 A. Yes.</p> <p>23 Q. All right. And four, Contact Delhaize Group's</p> <p>24 Office of Compliance and Ethics, colon, and then A</p> <p>25 is by phone, and it provides the phone number, B, by</p>

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<p style="text-align: right;">Page 18</p> <p>1 secure fax, and it provides the fax number, and C, 2 by e-mail, and it provides the e-mail address. Did 3 I read that correctly? 4 A. Yes. 5 Q. All right. And then it states: Each of these 6 reporting methods is secure, enabling anonymity of 7 the reporter and confidentiality of the report. Did 8 I read that correctly? 9 A. Yes. 10 Q. Okay. All right. We'll move on. We don't need to 11 address that next policy. 12 MR. FISCHER: For the record, what policy 13 were you talking about? 14 MR. O'BRIEN: There's one final policy on the 15 open door policy. 16 MR. FISCHER: So the Bates stamped 766 -- 17 MR. O'BRIEN: Yeah, I'm not posing any 18 questions -- 19 MR. FISCHER: Thank you. 20 MS. CUNNINGHAM: 773. 21 MR. O'BRIEN: 773. 22 MR. FISCHER: 773? 23 MR. O'BRIEN: Yes. 24 MR. FISCHER: Yes. 25 BY MR. O'BRIEN:</p>	<p style="text-align: right;">Page 20</p> <p>1 A. In reporting to Ashley. 2 Q. All right. And when you say in reporting to Ashley, 3 you're talking about how, in April of 2017, after 4 you had made an initial report to evening operations 5 manager Jeff Howard, you made a report to Ashley 6 about the treatment that you had received from Bruce 7 Grover? 8 A. I'm actually still confused about the question. 9 Q. All right. You said while you were an employee you 10 had used the open door policy in making a report to 11 Ashley Campo? 12 A. Yes. 13 Q. Okay. Now I'm just trying to identify the time and 14 the subject matter of your report to Ashley Campo, 15 and from the complaint that was filed in this case, 16 both at the EEOC and in court, it appears as if you 17 made a report to Ashley in April of 2017 after 18 initially making a report to Jeff Howard -- 19 A. Correct. 20 Q. -- about -- 21 A. So sorry. 22 Q. Is that correct? 23 A. That's correct. 24 Q. Okay. And the subject matter of that report to 25 Ashley Campo was the treatment that you were</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. All right. We'll ask the question then anyway, just 2 so the record is clear, that last policy is the open 3 door policy. One more page. Open Door and Appeal 4 policy. And do you remember this being a policy in 5 place during your tenure at Hannaford? 6 A. Yes. 7 Q. Okay. And is it fair to say that after you departed 8 Hannaford you did not utilize the Open Door and 9 Appeal policy? 10 A. I don't understand that question. 11 Q. All right. Is it fair to say that any time that you 12 were at Hannaford or after you left Hannaford you 13 did not utilize this policy? 14 MR. FISCHER: Object to the form, but you can 15 answer the question. 16 A. I'm confused. If you could restate that. 17 BY MR. O'BRIEN: 18 Q. Okay. I'll break it down into two, two parts. The 19 first one is, while you were an employee of 20 Hannaford, did you -- is it fair to say that you did 21 not try to use the Open Door and Appeal policy for 22 anything? 23 A. I did use the open door policy. 24 Q. Okay. When did you use the open door policy as an 25 employee?</p>	<p style="text-align: right;">Page 21</p> <p>1 receiving from Bruce Grover that you initially 2 reported to Jeff Howard in April of 2017? 3 A. Correct. 4 Q. Okay. Is there any other time as an employee you 5 utilized the open door policy? 6 A. Yes. 7 Q. And when was that? 8 A. 2009. 9 Q. Okay. And tell me what occurred in 2009. 10 MR. FISCHER: I'm going to object to the form 11 of the question, but you can answer it. 12 A. Two associates had remarked that God kills gay 13 people. The other one stated that God -- that gay 14 people don't deserve the same rights as us. 15 BY MR. O'BRIEN: 16 Q. And which store were you working in at that point 17 and time? Was that the Hampton or the Portsmouth 18 store? 19 A. That was the Hampton store. 20 Q. All right. And these were co-workers of yours? 21 A. Correct. 22 Q. Okay. And you utilized the open door policy to make 23 a report about those statements; is that correct? 24 A. Correct. 25 Q. All right. And who did you make that report to?</p>

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<p style="text-align: right;">Page 22</p> <p>1 A. Robin Beeson.</p> <p>2 Q. And what was her position at that time? Was she the</p> <p>3 store manager?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. Did you make reports to anyone else</p> <p>6 associated with those statements?</p> <p>7 A. Not that I recall.</p> <p>8 Q. Is it fair to say that you don't know what Robin did</p> <p>9 with your report after you made the report to her?</p> <p>10 I'll withdraw --</p> <p>11 A. I do not know.</p> <p>12 Q. Okay. All right. After you left employment was</p> <p>13 there any other time that you utilized -- tried to</p> <p>14 utilize the open door policy? I'll withdraw that</p> <p>15 question.</p> <p>16 After you left employment was there any time</p> <p>17 that you attempted to utilize the open door policy</p> <p>18 with respect to your departure from Hannaford?</p> <p>19 A. Not that I recall.</p> <p>20 (Exhibit 2, Handwritten Notes, marked for</p> <p>21 identification.)</p> <p>22 BY MR. O'BRIEN:</p> <p>23 Q. Okay. Next I'm going to show you what's been marked</p> <p>24 as your Deposition Exhibit Number 2, which is a</p> <p>25 page -- one page of what appears to be some</p>	<p style="text-align: right;">Page 24</p> <p>1 MR. FISCHER: Objection to the form, but you</p> <p>2 can answer.</p> <p>3 A. The seven should be a nine.</p> <p>4 BY MR. O'BRIEN:</p> <p>5 Q. Okay. And so it should read September 6 of 2017, as</p> <p>6 opposed to July 6 of 2017?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. All right. With respect to the first note,</p> <p>9 talked in the parking lot, do you remember when you</p> <p>10 had the discussion with Jim in the parking lot and</p> <p>11 which parking lot it was?</p> <p>12 A. I do not remember. It -- could you rephrase that?</p> <p>13 Q. Sure. You indicated that you spoke with the owner</p> <p>14 of Golden Harvest, Jim, in a parking lot, and so my</p> <p>15 question is, first question is, what parking lot did</p> <p>16 you have the discussion with him in?</p> <p>17 A. In the Golden Harvest parking lot.</p> <p>18 Q. Okay. And do you remember when you had that</p> <p>19 discussion with him?</p> <p>20 A. No.</p> <p>21 Q. Okay. And do you remember what the subject matter</p> <p>22 of the discussion was?</p> <p>23 A. Yes.</p> <p>24 Q. What was it?</p> <p>25 A. An interview.</p>
<p style="text-align: right;">Page 23</p> <p>1 handwritten notes. I'd ask you to just take a look</p> <p>2 at it and then I have a couple questions on it.</p> <p>3 Okay. Having looked at it, my first question</p> <p>4 is -- revolves around the first note on this page,</p> <p>5 and it appears to say Golden Harvest, talk in</p> <p>6 parking lot. Did I read that correctly?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And I assume that that meant that you -- did</p> <p>9 you speak to someone at Golden Harvest in a parking</p> <p>10 lot?</p> <p>11 A. That's correct.</p> <p>12 Q. Do you remember who you spoke to?</p> <p>13 A. The owner.</p> <p>14 Q. And do you remember his name or her name?</p> <p>15 A. Jim.</p> <p>16 Q. Okay. We'll review the next note and then I'll</p> <p>17 circle back with some follow-up questions. The next</p> <p>18 note says, Golden Harvest, six, comma, seven, comma,</p> <p>19 eight, comma, and then underneath it has the -- what</p> <p>20 appears to be a date, a 7/6/17, dash, took a job.</p> <p>21 Did I read that correctly?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Is it fair that we should read those two</p> <p>24 notes together to indicate that you talked to Golden</p> <p>25 Harvest on July 16 of 2017?</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. You were interviewing for a position with Jim at</p> <p>2 Golden Harvest?</p> <p>3 A. Correct.</p> <p>4 Q. All right. And as a result of that interview were</p> <p>5 you immediately offered a job or how did that work</p> <p>6 out?</p> <p>7 A. Correct.</p> <p>8 Q. So you were immediately offered a job?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. All right. The next note is McKinnon's</p> <p>11 meeting, 7/25/17, Jared and Patrick. Did I read</p> <p>12 that correctly?</p> <p>13 A. Yes.</p> <p>14 Q. All right. And is it fair to say this note pertains</p> <p>15 to you seeking employment at McKinnon's Supermarket?</p> <p>16 A. Correct.</p> <p>17 Q. All right. And the names Jared and Patrick, who do</p> <p>18 they refer to?</p> <p>19 A. Jared is a meat manager, Patrick is the store</p> <p>20 manager.</p> <p>21 Q. Okay. And so was this meeting an interview or were</p> <p>22 you just seeking employment or other opportunities?</p> <p>23 What was the nature of the meeting?</p> <p>24 A. Seeking job interviews.</p> <p>25 Q. Okay. And then the final note on it is September</p>

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<p style="text-align: right;">Page 26</p> <p>1 29, 2017, first day at McKinnon's. And so I</p> <p>2 assume -- did I read that correctly?</p> <p>3 A. You did.</p> <p>4 Q. Okay. And I assume that pertains to when you</p> <p>5 actually commenced employment at McKinnon's</p> <p>6 Supermarket?</p> <p>7 A. Correct.</p> <p>8 (Exhibit 3, Golden Harvest Employee Policy,</p> <p>9 marked for identification.)</p> <p>10 BY MR. O'BRIEN:</p> <p>11 Q. Okay. Next I'm going to show you what's been marked</p> <p>12 as Exhibit Number 3, which is entitled Golden</p> <p>13 Harvest Employee Policy, and my question is, is that</p> <p>14 your signature at the bottom of the page with the</p> <p>15 date of September 6, 2017?</p> <p>16 A. Yes.</p> <p>17 Q. And based upon your prior testimony I understand</p> <p>18 that's the date you actually began employment at</p> <p>19 Golden Harvest?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. All right. And then the next two pages</p> <p>22 within this exhibit are notes from your personnel</p> <p>23 file from Golden Harvest, indicating some concerns</p> <p>24 they had with you and your performance at Golden</p> <p>25 Harvest; is that fair to say?</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Sure. Do you recall when you had that discussion</p> <p>2 with Steve?</p> <p>3 A. Yes. It was --</p> <p>4 Q. The second coaching memo was September 15th, if</p> <p>5 that --</p> <p>6 A. -- it was September 16.</p> <p>7 Q. Okay.</p> <p>8 A. If I -- if I recall correctly.</p> <p>9 Q. Okay. And what was the substance of that</p> <p>10 discussion?</p> <p>11 A. We discussed that the job was not -- it wasn't a</p> <p>12 good job fit.</p> <p>13 Q. Okay. And as a result of the discussion that it was</p> <p>14 not a good job fit, what, if anything, did you do or</p> <p>15 did the company do?</p> <p>16 A. We parted ways.</p> <p>17 Q. All right. Is it fair to say that you voluntarily</p> <p>18 left employment at that point in time?</p> <p>19 A. It was agreed.</p> <p>20 Q. There was a mutual agreement that you would leave?</p> <p>21 A. That's correct.</p> <p>22 (Exhibit 4, McKinnon's Markets Documents,</p> <p>23 marked for identification.)</p> <p>24 BY MR. O'BRIEN:</p> <p>25 Q. All right. Next I'm going to show you a document</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Could you restate the question?</p> <p>2 Q. The second two documents in exhibit -- the last two</p> <p>3 documents in Exhibit 3 are handwritten notes dated</p> <p>4 September 13th and September 15th, 2017, purportedly</p> <p>5 from a manager at Golden Harvest, both of which</p> <p>6 indicate some issues that they had with the manner</p> <p>7 in which you were performing your duties at Golden</p> <p>8 Harvest; is that fair to say?</p> <p>9 A. Coaching memos.</p> <p>10 Q. So these are both you'd characterize as coaching</p> <p>11 memos on your performance at Golden Harvest --</p> <p>12 A. Yes.</p> <p>13 Q. -- is that fair to say?</p> <p>14 A. Yes.</p> <p>15 Q. And, ultimately, you left employment at Golden</p> <p>16 Harvest?</p> <p>17 A. Yes.</p> <p>18 Q. All right. And what led to your departure from</p> <p>19 Golden Harvest? What caused you to leave Golden</p> <p>20 Harvest?</p> <p>21 A. A discussion with Steve.</p> <p>22 Q. Okay. Could you describe when that discussion</p> <p>23 occurred, and the follow-up is going to be what was</p> <p>24 the substance of the discussion?</p> <p>25 A. Could you state the first part again, please?</p>	<p style="text-align: right;">Page 29</p> <p>1 marked Deposition Exhibit Number 4, which is -- the</p> <p>2 first page of which appears to have your signature</p> <p>3 again at the bottom of it and a date of September 29</p> <p>4 of 2017; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And if I understand correctly, you commenced</p> <p>7 employment with McKinnon's Market on September 29th</p> <p>8 of 2017?</p> <p>9 A. Yes.</p> <p>10 Q. All right. And if we could turn to the second page</p> <p>11 in this document, it has a new hire rate of pay, and</p> <p>12 it indicates, under the date of September 29, 2017,</p> <p>13 a rate of pay of \$16 per hour; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. All right. And how many hours a week were you</p> <p>16 working at McKinnon's when you were being paid at</p> <p>17 the rate of \$16 per hour?</p> <p>18 A. Forty.</p> <p>19 Q. Okay. And were there any weeks in which you were</p> <p>20 able to work more than 40 hours a week?</p> <p>21 A. Not that I recall.</p> <p>22 Q. Okay. If you can turn to the final page of this</p> <p>23 deposition exhibit. It's entitled Raise History,</p> <p>24 and it indicates that on March 18 of 2018 you moved</p> <p>25 from a rate of \$16 per hour to an hourly rate of</p>

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1 \$18.50 per hour, and you were promoted to full-time
2 assistant manager; is that accurate?
3 A. Assistant store manager.
4 Q. Okay. But is the rate of pay accurate?
5 A. Yes, it is.
6 Q. And is the date that you received the increase
7 accurate?
8 A. Yes.
9 Q. And is that the rate of pay that you continue to
10 receive as of today, or have you received any
11 additional increases?
12 A. It is the same rate.
13 Q. All right. And you continue to be compensated on an
14 hourly basis as of today?
15 A. Yes.
16 Q. All right. And while employed at -- I'll withdraw
17 that question.
18 Could you describe for me what benefits are
19 made available to you as an employee at McKinnon's
20 Supermarket?
21 A. Benefits? I get one vacation a year.
22 Q. And how long is that vacation?
23 A. Five days.
24 Q. And what, if any, additional benefits do you
25 receive?

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1 A. None.
2 Q. Do they offer health insurance?
3 A. They do.
4 Q. They do?
5 A. Yes.
6 Q. Okay. And do you not elect to take their health
7 insurance? Or do you take their health insurance?
8 A. I pay for it.
9 Q. Okay. All right, so you're under their health
10 insurance plan?
11 A. Yes.
12 Q. All right. And how much do you pay for that health
13 insurance?
14 A. I can't recall at this time.
15 Q. Okay. And do you know what the deductible is that
16 you have on a yearly basis for your health
17 insurance?
18 A. I can't recall that.
19 Q. Okay. Okay. We'll probably make some follow-up
20 requests to your attorney, you know, which can
21 easily be supplied along those lines, so we won't
22 belabor that issue now.
23 Are there any other benefits that you receive?
24 Do you get holidays off?
25 A. I believe Christmas and Thanksgiving.

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1 Q. And when you work on holidays do you receive an
2 enhanced rate of pay?
3 A. No.
4 Q. Okay. And how many days per week do you work?
5 A. Five.
6 Q. Five. And I think you answered this question
7 before, but just in case it was asked to the other
8 store, Golden Harvest, how many hours a week do you
9 ordinarily work at McKinnon's?
10 A. I work about 43 hours.
11 Q. Forty-three hours, okay.
12 And if I understand correctly -- I'll withdraw
13 that question.
14 Okay. We're going to move from Golden Harvest
15 and McKinnon's back to Hannaford, and this next set
16 of documents, which is marked Deposition Exhibit
17 Number 5 goes back a few years prior to your
18 departure, and I'm just going to ask that you and I
19 walk through them together.
20 So, the first document is from July 28 of 2011,
21 and it's a Record of Conversation that you had with
22 Ashley Shaw. I'd ask you to just take a look at it.
23 (Exhibit 5, Record of Conversation and Coaching
24 Memo Documentation, marked for identification.)
25 BY MR. O'BRIEN:

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1 Q. Is it fair to say that that represents a type of
2 coaching memo from her to you on a performance
3 issue?
4 A. It is a coaching memo.
5 Q. And do you recall it?
6 A. Yes.
7 Q. All right. And Ashley Shaw, is that her maiden name
8 and then it become Ashley Campo?
9 A. Correct.
10 Q. Okay. So you've known Ashley Campo since at least
11 2011, it appears?
12 A. Yes.
13 Q. And did you know her when you first started
14 employment at the Hampton store, which would have
15 been 2007?
16 A. I had not met her yet.
17 Q. Okay. When do you recall first meeting her?
18 A. When I was promoted and went to the Portsmouth
19 store.
20 Q. Okay. Okay. All right. If we can turn to the next
21 page in this exhibit, which is another Record of
22 Conversation, this one signed by Ashley as Ashley
23 Campo, and it references a conversation on
24 November 21st, 2011, with respect to her
25 expectations of you as an evening operations

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<p style="text-align: right;">Page 34</p> <p>1 manager. Is it fair to say this is another</p> <p>2 coaching-type memo that she had with you?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And do you recall this issue from November of</p> <p>5 2011?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. All right. The next document is a record of</p> <p>8 conversation with you, again from Ashley Compo,</p> <p>9 purporting to be from November 23rd of 2011, and</p> <p>10 again dealing with your performance as an evening</p> <p>11 operations manager. Is it fair to characterize this</p> <p>12 as another coaching memo?</p> <p>13 A. Yes.</p> <p>14 Q. All right. And do you recall the subject of the</p> <p>15 discussion that's memorialized in this memo?</p> <p>16 A. I do not recall this incident.</p> <p>17 Q. Okay. It's fair to say that you can recall coaching</p> <p>18 discussions with Ashley Campo during the course of</p> <p>19 your employment?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. All right. The next document in this</p> <p>22 packet -- if you could just turn one more page. We</p> <p>23 just -- we have page separators between each</p> <p>24 document, so there are blank page separators, but</p> <p>25 the next substantive document is entitled Coaching</p>	<p style="text-align: right;">Page 36</p> <p>1 Respect in the Workplace policy to review. Did I</p> <p>2 read that correctly?</p> <p>3 A. Yes.</p> <p>4 Q. All right. And can you recall in connection with</p> <p>5 this incident you receiving the Respect in the</p> <p>6 Workplace policy?</p> <p>7 A. No.</p> <p>8 Q. Okay. And do you recall the incident that resulted</p> <p>9 in this coaching memo?</p> <p>10 A. Yes.</p> <p>11 Q. And do you recall receiving the coaching memo?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And if we turn to the next page, which has a</p> <p>14 signature at the top of the page, is that your</p> <p>15 signature with the name Tim Record --</p> <p>16 A. Yes.</p> <p>17 Q. -- at the top of the page?</p> <p>18 And do you recall who provided you the coaching</p> <p>19 memo?</p> <p>20 A. Hilary. Hilary Hamilton.</p> <p>21 Q. Okay. All right. If we can turn to the next</p> <p>22 substantive document in this deposition exhibit.</p> <p>23 It's again entitled the Coaching Memo. This one is</p> <p>24 dated January 25th of 2015, and the subject is</p> <p>25 Performance in Assistant Manager Role. Did I read</p>
<p style="text-align: right;">Page 35</p> <p>1 Memo, and it's dated January 15 of 2015. Do you see</p> <p>2 that in the upper --</p> <p>3 A. Yes.</p> <p>4 Q. -- right-hand corner? And it's entitled Respect in</p> <p>5 the Workplace, comma, physical contact. Did I read</p> <p>6 that correctly?</p> <p>7 A. Yes.</p> <p>8 Q. All right. In the message it reads, in typewritten</p> <p>9 form, on 1/13/15 Tim engaged in a conversation with</p> <p>10 the other AMOCS, which is in caps -- which assume to</p> <p>11 be assistant manager of customer service --</p> <p>12 A. Yes.</p> <p>13 Q. -- okay, in the till room that became escalated.</p> <p>14 Did I read that correctly?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. The next sentence reads: At some point</p> <p>17 during this encounter, Tim placed his hand on the</p> <p>18 AMOCS's chest. Did I read that correctly?</p> <p>19 A. Yes.</p> <p>20 Q. The next sentence reads: Tim needs to understand</p> <p>21 that at no point is it appropriate for the workplace</p> <p>22 to place your hands on another associate regardless</p> <p>23 of the manner. Did I read that correctly?</p> <p>24 A. Yes.</p> <p>25 Q. The next sentence reads: Tim is being given the</p>	<p style="text-align: right;">Page 37</p> <p>1 that correctly?</p> <p>2 A. Correct.</p> <p>3 Q. All right. And the first sentence says: Tim is not</p> <p>4 meeting all of the expectations of leading the front</p> <p>5 end and taking opportunities to coach associates and</p> <p>6 build relationships. This is causing frustration</p> <p>7 and confusion among front end associates. Did I</p> <p>8 read that correctly?</p> <p>9 A. Yes.</p> <p>10 Q. And then it -- the next paragraph begins: Tim needs</p> <p>11 to foster a positive and inclusive environment to</p> <p>12 all front end associates. Did I read that</p> <p>13 correctly?</p> <p>14 A. Yes.</p> <p>15 Q. All right. And if you can turn to the next page of</p> <p>16 this document. Once again, there is a place for a</p> <p>17 signature. Is that your signature, Tim Record, on</p> <p>18 that page?</p> <p>19 A. Yes.</p> <p>20 Q. All right. And so it's fair to say that you</p> <p>21 received a copy of this coaching memo?</p> <p>22 A. Yes.</p> <p>23 Q. And do you recall the discussion with respect to</p> <p>24 when this coaching memo was provided to you?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 38</p> <p>1 Q. Okay. And it appears as if Lindsey Boston may have 2 been the individual who delivered the coaching memo 3 to you? 4 A. Yes. 5 Q. All right. All right. If we can turn to the next 6 substantive document in this deposition exhibit. 7 It's another coaching memo, this one is dated 8 February 25th of 2015, and it's entitled Not Meeting 9 Expectations. Did I read that correctly? 10 A. Yes. 11 Q. All right. And if we can turn to the third page of 12 this document, is that your signature on that third 13 page? 14 A. Yes. 15 Q. Okay. So it's fair to say that you received a copy 16 of this coaching memo in February of 2015? 17 A. Yes. 18 Q. All right. And do you remember -- again, this deals 19 with performance, and do you remember the subject 20 matter of this and this coaching discussion? 21 A. Yes. 22 Q. Okay. All right. Next, I'm going to turn your 23 attention to the next substantive document in this 24 packet, which is a performance -- annual performance 25 evaluation for you, and --</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Yes. 2 Q. Okay. And if you could turn to the next page. This 3 is a typewritten page? 4 A. Yes. 5 Q. And if you could turn to the second paragraph, and, 6 in particular, the second sentence in the second 7 paragraph. It states: However, Tim needs to 8 remember to keep all the relationships he has formed 9 here professional. The perception of his favoritism 10 has caused unnecessary drama in the department. Tim 11 needs to form relationships with all associates and 12 treat everyone fairly and consistently. Did I read 13 that correctly? 14 A. You did. 15 Q. And is it fair to say you recall receiving this 16 performance evaluation in 2015? 17 A. Yes. 18 (Exhibit 7, Delhaize America Performance 19 Counseling Form, Tim Record, 4/16/15, marked for 20 identification.) 21 BY MR. O'BRIEN: 22 Q. Okay. I'm showing you next what's been marked as 23 Deposition Exhibit Number 7. And this is a 24 Performance Counseling Form, and it appears to be 25 dated April 16, 2015 in the upper right-hand corner.</p>
<p style="text-align: right;">Page 39</p> <p>1 MR. FISCHER: I don't think that's in here. 2 MS. CUNNINGHAM: It's not attached. 3 MR. O'BRIEN: It's not attached, okay. 4 Sorry. It's the next exhibit. I apologize. 5 (Exhibit 6, Hannaford Retail Performance 6 Appraisal, Timothy Record, 4/2/15, marked for 7 identification.) 8 BY MR. O'BRIEN: 9 Q. I'm going to show you what's been marked as your 10 Deposition Exhibit Number 6, which is an annual 11 performance evaluation. And on the front page, the 12 third line down, it says associate's signature. Is 13 that your signature, Timothy Record, as the 14 associate's signature? 15 A. Yeah. 16 Q. And it appears as if you dated it April 2nd of 2015? 17 A. Yes. 18 Q. Okay. And do you recall receiving this performance 19 evaluation at that point in time? 20 A. Yes. 21 Q. Okay. If you can turn to the second page of this 22 document. There are different categories in which 23 you received ratings. Is it fair to say that you 24 received a partially meets rating in the first, 25 third, fourth, fifth and eighth categories?</p>	<p style="text-align: right;">Page 41</p> <p>1 And the reason for counseling is personal behavior, 2 as indicated in the middle of the page, towards the 3 top. If you go down a little bit further it says, 4 type of counseling, and it says, step one, verbal 5 counseling, that box is checked; do you see that? 6 A. Yes. 7 Q. Is it fair to say that you remember receiving this 8 step one counseling -- 9 A. Yes. 10 Q. -- around April of 2015? 11 A. Yes. 12 Q. Yes? 13 A. Yes. 14 Q. All right. It has a description of an incident and 15 the date of the incident as being on April 13 of 16 2015. And the description of the incident is as 17 follows: On April 13, it was brought to Tanya and 18 my attention that there are few -- that there are a 19 few associates on the front end that feel 20 uncomfortable working with AMCS Tim Record. Did I 21 read that correctly? 22 A. Yes. 23 Q. Okay. We were informed that these associates feel 24 as though Tim has made comments and remarks that 25 they feel to be unprofessional and have made them</p>

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1 feel uncomfortable working with Tim. Did I read
2 that correctly?
3 A. Yes.
4 Q. Okay. These associates have also stated that they
5 feel that Tim invades their personal space by
6 standing very close to them, which sometimes results
7 in Tim brushing up against these associates. Did I
8 read that correctly?
9 A. Yes.
10 Q. All right. Tim needs to understand that these
11 behaviors are unprofessional and he needs to ensure
12 he is conducting himself as a supervisor at all
13 times. Did I read that correctly?
14 A. Yes.
15 Q. And do you recall receiving this performance
16 counseling step in April of 2015?
17 A. Yes.
18 Q. All right. And do you remember having a discussion
19 with your supervisor about the subject matter of
20 this counseling memo?
21 A. Yes.
22 Q. All right. And in conjunction with the counseling
23 memo, if I understand correctly, you're also
24 provided a copy of the company's personal behavior
25 policy?

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1 A. Yes.
2 Q. And those are your initials in the bottom right-hand
3 corner of the Personal Behavior policy, which is the
4 third page of this exhibit?
5 A. Correct.
6 MR. O'BRIEN: Okay. Good. Okay. It's
7 11:22. We could take a very short break here, or
8 we can just push through to lunch. I just want to
9 provide the option at this point in time.
10 MR. FISCHER: Appreciate that. If you want
11 to take a break --
12 THE DEPONENT: I'm all set. All set.
13 MR. FISCHER: Okay, then let's just push
14 through.
15 MR. O'BRIEN: Okay.
16 (Exhibit 8, Equal Employment Opportunity
17 Commission Charge of Discrimination, marked for
18 identification.)
19 BY MR. O'BRIEN:
20 Q. Mr. Record, I'm showing you what's been marked as
21 your Deposition Exhibit Number 8, which is the
22 Charge of Discrimination that you filed with the
23 Equal Employment Opportunity Commission. It
24 consists of two pages. Do you recognize this
25 document?

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1 A. Yes.
2 Q. Okay. I want to turn your attention to the second
3 page, in the left-hand corner, it appears to be
4 dated November 29th of 2017, and has your signature
5 in the lower left-hand corner; is that right? Is
6 that your signature?
7 A. Yes.
8 Q. Okay. And immediately above your signature is the
9 statement: I declare under penalty of perjury that
10 the above is true and correct; is that right?
11 A. Yes.
12 Q. All right. And so it's fair to say that you read
13 this charge carefully before signing it to make sure
14 it was fully accurate; is that --
15 A. Yes.
16 Q. Okay. All right. I want to turn your attention
17 then back to the first page. And in particular, I
18 want to turn your attention to the particulars in
19 the box in the lower half of the page. It indicates
20 that as of 2017 you had been at Hannaford for
21 approximately 10 years, in the first -- number one.
22 I'm sorry.
23 A. Yes.
24 Q. Okay. And number two says that -- indicates that
25 you're gay and that your co-workers were aware of

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1 your sexual orientation; is that correct?
2 A. Correct.
3 Q. All right. And can you -- which co-workers were
4 aware of your sexual orientation?
5 A. I don't think I can recall all of them.
6 Q. Well, if you don't mind just telling me which of the
7 co-workers that you recall being aware of your
8 sexual orientation?
9 A. Pam Proctor, Dan Acuna.
10 Q. Dan Acuna?
11 A. Acuna.
12 Q. A-C-U-N-A?
13 A. Correct.
14 Q. Okay. Pam --
15 A. Yeah, Joe Dodge.
16 Q. Anyone else?
17 A. I think there are too many to actually name. There
18 were actually a lot of people who were aware.
19 Q. Whoever you -- right now I'm just asking you who do
20 you recall being aware of your sexual orientation,
21 and my following question is how were they aware of
22 it?
23 MR. FISCHER: Which question is on the table
24 right now?
25 MR. O'BRIEN: Yeah, thank you for that

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<p style="text-align: right;">Page 46</p> <p>1 clarification. It will help here.</p> <p>2 BY MR. O'BRIEN:</p> <p>3 Q. Right now we'll just simply focus on which of your</p> <p>4 co-workers were aware of your sexual orientation?</p> <p>5 Thank you.</p> <p>6 MR. FISCHER: Yes.</p> <p>7 A. I think almost everyone was.</p> <p>8 Q. And who -- when you say almost everyone, other than</p> <p>9 Pam Proctor and Dan Acuna and Joe Dodge, who are the</p> <p>10 others that you're referring to?</p> <p>11 A. Like Ashley Campo, Steve Gary, Terri Dube, Jen</p> <p>12 McPherson, Ray McCubrey, David Archibald. I can't</p> <p>13 remember Linda's last name, Linda. Steve Gary. I</p> <p>14 can't remember people's last names.</p> <p>15 Q. Okay. As far as --</p> <p>16 MR. FISCHER: I don't know, are you -- he</p> <p>17 hasn't -- have you finished answering that</p> <p>18 question? I apologize, I don't mean to interrupt,</p> <p>19 but --</p> <p>20 MR. O'BRIEN: Yeah, you are though.</p> <p>21 MR. FISCHER: I understand that, but it was a</p> <p>22 very open-ended question where his response was</p> <p>23 nearly everyone, and --</p> <p>24 MR. O'BRIEN: I appreciate that.</p> <p>25 BY MR. O'BRIEN:</p>	<p style="text-align: right;">Page 48</p> <p>1 A. Dan Acuna, Joe Dodge, Stephen Gray, Pam Proctor,</p> <p>2 David Archibald, Ray McCubrey, and a woman named</p> <p>3 Renee, I can't remember her last name. Those are</p> <p>4 the people who I at the core trust.</p> <p>5 Q. Okay. And it's fair to say you shared information</p> <p>6 about your sexual orientation and about being gay</p> <p>7 with them?</p> <p>8 A. That's not fair to say.</p> <p>9 Q. It's not fair to say? Well, somehow information --</p> <p>10 somehow they became aware of your sexual</p> <p>11 orientation; is that fair to say?</p> <p>12 A. Through friendships.</p> <p>13 Q. Through friendships?</p> <p>14 A. Yes.</p> <p>15 Q. And the friendships you're talking about is your</p> <p>16 friendship with each one of them?</p> <p>17 A. That's correct.</p> <p>18 Q. Okay. And as with any friendships, you share</p> <p>19 information, and among the information you shared</p> <p>20 within the context of your friendship with those</p> <p>21 individuals was your sexual orientation?</p> <p>22 A. Correct.</p> <p>23 Q. And it's fair to say you were very comfortable with</p> <p>24 them?</p> <p>25 A. With people I trust.</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. Other than the individuals you've identified, is</p> <p>2 there anyone else who was aware of your sexual</p> <p>3 orientation?</p> <p>4 A. Not that I know of.</p> <p>5 Q. Okay. Is it fair to say that for at least some of</p> <p>6 these individuals you openly disclosed your sexual</p> <p>7 orientation to them?</p> <p>8 A. Not unless they asked.</p> <p>9 Q. But there -- it's fair to say that there were some</p> <p>10 co-workers that you were very friendly with and</p> <p>11 trusted?</p> <p>12 A. That I trusted.</p> <p>13 Q. Yes.</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Tell me who they were that you were friendly</p> <p>16 with and trusted.</p> <p>17 A. They -- that I trusted.</p> <p>18 MR. FISCHER: Before you answer, I'm going to</p> <p>19 object to the form of that question, but you can</p> <p>20 answer it.</p> <p>21 BY MR. O'BRIEN:</p> <p>22 Q. So, just so that -- so my question is: Which of the</p> <p>23 employees you identified before who knew of your</p> <p>24 sexual orientation were you friendly with and</p> <p>25 trusted?</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Right. And with those individuals you identified as</p> <p>2 trusting at Hannaford, you were open and candid with</p> <p>3 them?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And it's fair to say that sometimes you refer</p> <p>6 to yourself as being gay to them in discussions with</p> <p>7 them?</p> <p>8 MR. FISCHER: Objection to the form of the</p> <p>9 question.</p> <p>10 BY MR. O'BRIEN:</p> <p>11 Q. Is it fair to say that in some of your discussions</p> <p>12 with them you referred to yourself as being gay?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And in some of those discussions you used</p> <p>15 other terms to describe yourself as being gay?</p> <p>16 MR. FISCHER: Objection to form. You can</p> <p>17 answer the question.</p> <p>18 A. Yes.</p> <p>19 BY MR. O'BRIEN:</p> <p>20 Q. Okay. Sometimes you would refer to yourself as</p> <p>21 being queer?</p> <p>22 A. Yes.</p> <p>23 Q. Sometimes you referred to yourself as a faggot?</p> <p>24 A. Yes.</p> <p>25 Q. All right. What other terms have you used to</p>

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<p style="text-align: right;">Page 50</p> <p>1 describe yourself in those discussions with your 2 co-workers? 3 A. Those are the only ones I can recall. 4 Q. All right. Is it fair to say that sometimes you 5 joked with them about issues involving sexual 6 orientation? 7 A. Could you rephrase? 8 Q. All right. Is it fair to say that sometimes in your 9 private discussions with them you would joke about 10 topics involving sexual orientation? 11 A. In private discussions. 12 Q. Yes, in private discussions? 13 A. Yes. 14 Q. Okay. And those private discussions would occur at 15 the Hannaford store, but between you and one or two 16 of your trusted friends? 17 A. Correct. 18 Q. Okay. Do you recall any of the types of jokes that 19 you made in those private discussions with them? 20 A. I do not. 21 Q. But it's fair to say that you were comfortable 22 enough with them and trusting enough with them that 23 throughout your employment when you worked with them 24 you felt free to share, you know, jokes along that 25 basis?</p>	<p style="text-align: right;">Page 52</p> <p>1 It's fair to say that they shared information 2 that was personal to them with you? 3 A. Correct. 4 Q. Okay. All right. If we can turn back to this 5 document, number three says: I was working as the 6 assistant seafood department manager in the Hampton, 7 New Hampshire Hannaford store when, in or around 8 February 2017, Hannaford hired Bruce Grover as the 9 meat department manager. And that's -- that's 10 accurate; is that correct? 11 A. Correct. 12 Q. All right. And the next paragraph, number four 13 indicates: As the meat department manager, 14 Mr. Grover was my direct supervisor? 15 A. That's correct. 16 Q. Okay. And then paragraph number five states: 17 Almost immediately after Mr. Grover was hired, and 18 through the date I resigned, Mr. Grover subjected me 19 to an offensive, discriminatory and hostile 20 environment -- hostile and abusive work environment, 21 and Mr. Grover's intentional and overt harassment 22 made me apprehensive about working at Hannaford in 23 Hampton, New Hampshire. Did I read that correctly? 24 A. Yes. 25 Q. Okay. And then the next paragraph, you actually</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Yes. 2 Q. Okay. And are you aware if anyone ever overheard 3 the subject matter of the jokes? 4 MR. FISCHER: Objection to form. 5 A. I'm not aware. 6 BY MR. O'BRIEN: 7 Q. Okay. Now, did any of those trusted co-workers 8 share with you personal information? 9 A. Could you rephrase that? 10 Q. Yes. Did any of those -- thank you for that. Did 11 any of your co-workers share with you personal 12 information regarding their sexual orientation? 13 A. Yes. 14 Q. Okay. And who was that? 15 A. Dan Acuna, Joe Dodge, Stephen Gray. I think those 16 were pretty it -- pretty much it for people. 17 Q. Okay. And did any of them indicate that they were 18 gay? 19 A. No. 20 Q. No, okay. But they trusted you enough to be able to 21 share personal subject matter with you? 22 MR. FISCHER: Objection to form. 23 A. Could you rephrase that, because -- 24 Q. Sure. But they -- they -- I'll withdraw the 25 question.</p>	<p style="text-align: right;">Page 53</p> <p>1 describe the harassment and abusive treatment that 2 he subjected you to, is that correct, in paragraph 3 number six? 4 A. Yes. 5 Q. Okay. So, first, he -- he remarked, under paragraph 6 A, it says: Remarking to another Hannaford employee 7 while I was present that I am three feet shorter 8 with my head in the pillow. Is that accurate? 9 A. Yes. 10 Q. Okay. Which employee did Mr. Grover allegedly make 11 that remark to? 12 A. David Archibald. 13 Q. Okay. And when -- and that was in February or March 14 of 2017, if I understand correctly? 15 MR. FISCHER: Objection to form. 16 A. In and around the first week he was here. 17 BY MR. O'BRIEN: 18 Q. Okay. All right. And the second, B, paragraph B it 19 says: While Mr. Grover and I were on the floor 20 during store hours, Mr. Grover tapped me in the 21 genitals twice and said baseball, baseball. Is that 22 accurate? 23 A. That is. 24 Q. And if I understand correctly, he tapped you in the 25 genitals with a baguette loaf of bread?</p>

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<p style="text-align: right;">Page 54</p> <p>1 A. Correct.</p> <p>2 Q. Okay. And was he in front of you or behind you when</p> <p>3 this occurred?</p> <p>4 A. I think he was standing to my side, my right side.</p> <p>5 Q. And so if he was standing to your side, he used --</p> <p>6 he swung his right hand around to you, towards you,</p> <p>7 with the baguette and tapped you in the front?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And where was this?</p> <p>10 A. In front of the seafood department.</p> <p>11 Q. And, again, was this within a week or two of</p> <p>12 Mr. Grover starting work?</p> <p>13 A. In and around the second week.</p> <p>14 Q. Okay. And then paragraph C states: When I declined</p> <p>15 to try some of the meats from a vendor offering</p> <p>16 samples in the store, Mr. Grover said, with an</p> <p>17 obvious tone of inflection, that everyone knows I</p> <p>18 eat the meat. Is that accurate?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And is it fair to say that occurred within</p> <p>21 the first, second or third week of Mr. Grover's</p> <p>22 employment?</p> <p>23 MR. FISCHER: Objection to form.</p> <p>24 A. Correct.</p> <p>25 BY MR. O'BRIEN:</p>	<p style="text-align: right;">Page 56</p> <p>1 one, week two, or week three of his employment?</p> <p>2 MR. FISCHER: Objection to form.</p> <p>3 A. That was later on.</p> <p>4 BY MR. O'BRIEN:</p> <p>5 Q. So the reference to the bitch comment was in --</p> <p>6 A. Several months.</p> <p>7 Q. Several months later in August?</p> <p>8 A. That is correct.</p> <p>9 Q. Okay. Okay. Were there any other -- so, if I</p> <p>10 understand correctly, referring to you as a bitch</p> <p>11 was the derogatory, demeaning or effeminate name</p> <p>12 that he referred to you as, but that didn't take</p> <p>13 place until August?</p> <p>14 A. In and around.</p> <p>15 Q. In and around August?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. Other than that reference to you and the use</p> <p>18 of that name in August or -- I'll withdraw that.</p> <p>19 So this paragraph refers to what took place in</p> <p>20 August solely?</p> <p>21 MR. FISCHER: Which paragraph are you</p> <p>22 referring to, just for the record?</p> <p>23 MR. O'BRIEN: Paragraph D.</p> <p>24 BY MR. O'BRIEN:</p> <p>25 Q. If I understand correctly, paragraph D refers solely</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. Okay. And where did that occur?</p> <p>2 A. In front of the meat department.</p> <p>3 Q. And was anyone else present?</p> <p>4 A. I do not recall.</p> <p>5 Q. Going back to B, was anyone else present for the use</p> <p>6 of the baguette and tapping of you?</p> <p>7 A. No.</p> <p>8 Q. Okay. All right. We can move on to -- I'll</p> <p>9 withdraw that question.</p> <p>10 With respect to C, did you have any discussion</p> <p>11 with Mr. Grover at that point in time about the</p> <p>12 comment that he made?</p> <p>13 A. No.</p> <p>14 Q. Okay. When he tapped you with the baguette did you</p> <p>15 have any discussion with Mr. Grover?</p> <p>16 A. I walked away.</p> <p>17 Q. Okay. All right. Paragraph D, Mr. Grover would</p> <p>18 openly refer to me by derogatory, demeaning and</p> <p>19 effeminate names, calling me, for example, a bitch,</p> <p>20 with obvious inflection -- I'm sorry, with obvious</p> <p>21 inflection to signify his intent in using that</p> <p>22 particular name. All right. Is that accurate?</p> <p>23 A. Yes.</p> <p>24 Q. All right. Other than -- when did he call you a</p> <p>25 bitch? Was that again in the first week -- week</p>	<p style="text-align: right;">Page 57</p> <p>1 to the comment to you in August about you being a</p> <p>2 bitch?</p> <p>3 A. In and around the second week of August.</p> <p>4 Q. Okay. And that's all that that paragraph refers to?</p> <p>5 MR. FISCHER: Objection to the form.</p> <p>6 A. I believe he said that more than once.</p> <p>7 BY MR. O'BRIEN:</p> <p>8 Q. Tell me any other time he used the term bitch or any</p> <p>9 other derogatory, demeaning or effeminate name?</p> <p>10 A. Other than in August?</p> <p>11 Q. Other than August?</p> <p>12 A. It was in August?</p> <p>13 Q. It was in August?</p> <p>14 A. Yes. Yes.</p> <p>15 Q. So the only time he used that terminology was in --</p> <p>16 and referred to you by a derogatory, demeaning or</p> <p>17 effeminate name was when he used the term bitch --</p> <p>18 A. Yes.</p> <p>19 Q. -- in August of '17?</p> <p>20 A. Yes. I'm sorry to interrupt.</p> <p>21 Q. Okay. The next paragraph is paragraph E, and it</p> <p>22 states: When I was bending to place down a mat</p> <p>23 beneath a scale in the meat department and</p> <p>24 Mr. Grover was nearby, Mr. Grover made gestures to</p> <p>25 another employee to suggest that I was attempting to</p>

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<p style="text-align: right;">Page 58</p> <p>1 perform a sexual act on him. Is that accurate?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And, again, did this occur, this incident</p> <p>4 occur within the first few weeks of Mr. Grover's</p> <p>5 employment?</p> <p>6 A. It was the third -- it was around August, the third</p> <p>7 week, August 19th or 20th.</p> <p>8 Q. Oh, so the -- okay. So this occurred in August,</p> <p>9 okay. And who was present for that, if anyone?</p> <p>10 A. Kyle Lasher.</p> <p>11 Q. And if I understand correctly, Mr. Grover had a</p> <p>12 clipboard in his hands and he placed it over his</p> <p>13 groin area when you were around at that point in</p> <p>14 time?</p> <p>15 MR. FISCHER: Objection to form.</p> <p>16 Q. Is that right?</p> <p>17 A. I do not believe there was a clipboard.</p> <p>18 Q. Okay. What do you recall about that? Did he place</p> <p>19 his two hands --</p> <p>20 A. That's correct.</p> <p>21 Q. I see. Okay. So he placed his two hands over his</p> <p>22 groin area at that point in time?</p> <p>23 A. That is correct.</p> <p>24 Q. Okay. All right. And then -- so that describes --</p> <p>25 you've described to us the harassing and abusive</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Yes.</p> <p>2 A. -- A, B and C --</p> <p>3 Q. Yes.</p> <p>4 A. -- were within the first three weeks of his hire.</p> <p>5 Q. Yeah.</p> <p>6 A. If you go to D and E, those occurred in August.</p> <p>7 Q. Okay. So looking at the time period between</p> <p>8 April -- first of all, thank you for that breakdown.</p> <p>9 So if you look at the time period between his -- the</p> <p>10 commencement of his employment in February -- when I</p> <p>11 say him -- Mr. Grover's employment in February of</p> <p>12 2017, and your report to Mr. Howard and subsequently</p> <p>13 to Ms. Campo in April of 2017, you've now described</p> <p>14 for us all of the issues that you had that you</p> <p>15 believed constituted harassing or discriminatory</p> <p>16 behavior by Mr. Glover in that initial time period?</p> <p>17 A. In that whole timeframe.</p> <p>18 Q. Correct.</p> <p>19 A. Yes.</p> <p>20 Q. Thank you. Okay.</p> <p>21 Okay. So next we're going to move to paragraph</p> <p>22 seven. It states that in or around April 2017, I</p> <p>23 complained to the store manager, Ms. Ashley Campo,</p> <p>24 about Mr. Grover's conduct and harassment. And</p> <p>25 that's correct, you did do that?</p>
<p style="text-align: right;">Page 59</p> <p>1 treatment by Mr. Grover prior to your report to</p> <p>2 Ashley Campo; is that correct?</p> <p>3 MR. FISCHER: Objection to the form of the</p> <p>4 question.</p> <p>5 A. Could you rephrase that?</p> <p>6 BY MR. O'BRIEN:</p> <p>7 Q. Sure. Mr. Grover started employment in the</p> <p>8 department in February of 2017?</p> <p>9 A. Correct.</p> <p>10 Q. All right. And I just want to make sure that I</p> <p>11 understand all the harassing and discriminating</p> <p>12 behavior exhibited by Mr. Grover between the time he</p> <p>13 started and the time you made the report to Jeff</p> <p>14 Howard, and then subsequently -- initially to Ashley</p> <p>15 Campo in April of 2017. So I just wanted to make</p> <p>16 sure that we've covered each one of those incidents</p> <p>17 that you believe were harassing and discriminatory.</p> <p>18 A. Mm-hmm. Yes.</p> <p>19 Q. Okay. So, have you told us everything that he did</p> <p>20 that was harassing and discriminatory between</p> <p>21 February of 2017 and your report to Jeff Howard and</p> <p>22 Ashley Campo in April of 2017?</p> <p>23 MR. FISCHER: Objection to the form of the</p> <p>24 question, but you can answer.</p> <p>25 A. If you look under paragraph six --</p>	<p style="text-align: right;">Page 61</p> <p>1 A. Correct.</p> <p>2 Q. All right. Now, prior to reporting to Mr. -- prior</p> <p>3 to reporting to Ms. Campo, I understand that you</p> <p>4 made a report to Jeff Howard, the evening operations</p> <p>5 manager; is that right?</p> <p>6 A. Correct.</p> <p>7 (Exhibit 9, Note prepared by Jeff Howard,</p> <p>8 November 6, 2017, marked for identification.)</p> <p>9 BY MR. O'BRIEN:</p> <p>10 Q. Okay. Mr. Record, I'm showing you what's been</p> <p>11 marked as your Deposition Exhibit Number 9. And</p> <p>12 then we'll go back to Number 8 in a little bit. But</p> <p>13 Deposition Exhibit Number 9, which is a note</p> <p>14 prepared by Jeff Howard, the evening operations</p> <p>15 manager, and it states: This past April I was in</p> <p>16 the seafood department having a conversation with</p> <p>17 Tim Record. Did I read that correctly?</p> <p>18 A. Yes.</p> <p>19 Q. And is that accurate, that he had a conversation</p> <p>20 with you in the seafood department?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. It continues: Bruce Grover walked by, and</p> <p>23 Tim stated he did not know if he would be able to</p> <p>24 continue working with Bruce. Did I read that</p> <p>25 correctly?</p>

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<p style="text-align: right;">Page 62</p> <p>1 A. Yes.</p> <p>2 Q. And is that accurate?</p> <p>3 A. Yes.</p> <p>4 Q. It continues: I asked him why, and he said he was</p> <p>5 tired of his sexual remarks. Did I read that</p> <p>6 correctly and is that accurate?</p> <p>7 A. Yes.</p> <p>8 Q. All right. It continues: One of which included a</p> <p>9 reference of Tim eating meat. Did I read that</p> <p>10 correctly and is that accurate?</p> <p>11 A. Yes.</p> <p>12 Q. All right. It continues: I told Tim I would look</p> <p>13 into it. Did I read that correctly and is that</p> <p>14 accurate?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. It continues: I then talked to Bruce, and he</p> <p>17 said it was said to be funny. I told Bruce this was</p> <p>18 unacceptable and that he needed to apologize to Tim,</p> <p>19 which he did.</p> <p>20 I know you may not know the context of the</p> <p>21 conversation between Jeff Howard and with Bruce</p> <p>22 Grover, but my question to you is, is it accurate to</p> <p>23 say that Bruce Grover apologized to you as a result</p> <p>24 of this discussion that you had with Jeff Howard for</p> <p>25 his conduct?</p>	<p style="text-align: right;">Page 64</p> <p>1 Bruce Grover had with you in which he apologized to</p> <p>2 you for his conduct?</p> <p>3 A. He apologized.</p> <p>4 Q. Yes, Bruce Grover apologized to you for his conduct?</p> <p>5 A. He apologized, yes.</p> <p>6 Q. Yes, okay. And as a result of that discussion, it</p> <p>7 sounds as if you were willing to accept an apology,</p> <p>8 you know, from another individual on that basis; is</p> <p>9 that fair to say?</p> <p>10 A. With conditions, yes.</p> <p>11 Q. Yes. So you were willing to accept the apology with</p> <p>12 the condition that it not happen again?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. And so as of that time things were fine</p> <p>15 because you accepted it, but you made the condition</p> <p>16 that it can't happen again?</p> <p>17 A. At that time.</p> <p>18 Q. Yes. Is that correct?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. All right. So turning back to Deposition</p> <p>21 Exhibit Number 8. We were on paragraph seven, and</p> <p>22 it refers to a discussion that you had with Ashley</p> <p>23 Campo in April of 2017. And if I understand</p> <p>24 correctly, this discussion with Ashley occurred</p> <p>25 after your initial report to Jeff Howard?</p>
<p style="text-align: right;">Page 63</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Later on that night, I talked again to Tim</p> <p>3 and asked him how the talk with Bruce went. Did I</p> <p>4 read that correctly and is it accurate?</p> <p>5 A. Yes.</p> <p>6 Q. Tim said he accepted Bruce's apology with the</p> <p>7 condition that it never happens again, because if it</p> <p>8 did he would go to HR. Did I read that correctly</p> <p>9 and is it accurate?</p> <p>10 A. Correct.</p> <p>11 Q. All right. Is it fair to say that other than this</p> <p>12 report to Jeff Howard you made no other reports to</p> <p>13 Jeff Howard about Mr. Grover's alleged sexual</p> <p>14 harassment or discrimination towards you?</p> <p>15 A. I'm sorry, could you rephrase that?</p> <p>16 Q. Sorry, yes. I understand that in April -- thank you</p> <p>17 very much. I'll break it up and walk through it.</p> <p>18 That's exactly the type of point you should make, so</p> <p>19 thank you.</p> <p>20 So, if I understand correctly, you made this</p> <p>21 report to Jeff Howard as the evening operations</p> <p>22 manager in April of 2017?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. Now, after you made this report to Jeff</p> <p>25 Howard, it appears as if there was a discussion that</p>	<p style="text-align: right;">Page 65</p> <p>1 A. Correct.</p> <p>2 Q. All right. And you explained to Ashley what had</p> <p>3 transpired with Bruce Grover and your report to Jeff</p> <p>4 Howard? I'll rephrase that question.</p> <p>5 When you met with Ashley Campo in April of</p> <p>6 2017, you effectively told her what you had told</p> <p>7 Jeff Howard?</p> <p>8 A. That is correct.</p> <p>9 Q. All right. And we just reviewed in Exhibit 9 what</p> <p>10 you told Jeff Howard; is that right?</p> <p>11 A. Rephrase that?</p> <p>12 Q. Yes. As far as what you told Ashley Campo, it was</p> <p>13 the same information you had shared with Jeff</p> <p>14 Howard?</p> <p>15 A. Yes.</p> <p>16 Q. All right. And is it fair to say that Jeff Howard's</p> <p>17 note about your discussion with him accurately</p> <p>18 reflects the discussion you had with him and the</p> <p>19 report that you made to him?</p> <p>20 A. I'm sorry, you'll have to rephrase that again.</p> <p>21 Q. Sure. Thank you. That's exactly what we need. So,</p> <p>22 thank you for once again pointing that out.</p> <p>23 As far as what you reported to Ashley Campo --</p> <p>24 A. Yes.</p> <p>25 Q. -- it's the same information that you reported to</p>

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<p style="text-align: right;">Page 66</p> <p>1 Jeff Howard --</p> <p>2 A. Correct.</p> <p>3 Q. -- is that fair to say?</p> <p>4 Okay. And we reviewed Jeff's recollection of</p> <p>5 the conversation from his note, and if I understand</p> <p>6 correctly that seems to be a fair and accurate</p> <p>7 representation of your discussion with him and what</p> <p>8 occurred?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. So you essentially then just reported the</p> <p>11 same thing to Ashley Campo that you reported to Jeff</p> <p>12 Howard?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And what was Ashley's response to you when</p> <p>15 you made that report?</p> <p>16 A. I made that report at that time Ashley was not aware</p> <p>17 because Jeff had not -- I had talked to Ashley</p> <p>18 before Jeff did.</p> <p>19 Q. Okay. So then Ashley subsequently goes and talks to</p> <p>20 Jeff?</p> <p>21 A. That's correct.</p> <p>22 Q. All right. And do you know what, if any, actions</p> <p>23 Ashley took after the discussion with you with</p> <p>24 respect to Bruce Grover or Jeff Howard --</p> <p>25 A. I do not.</p>	<p style="text-align: right;">Page 68</p> <p>1 answer the question.</p> <p>2 A. Correct.</p> <p>3 BY MR. O'BRIEN:</p> <p>4 Q. All right. And on August 25th of 2017, you e-mailed</p> <p>5 the associate relations manager for the store and</p> <p>6 informed her of your desire to depart Hannaford's</p> <p>7 employment?</p> <p>8 A. I e-mailed Ashley.</p> <p>9 (Exhibit 10, E-mail Chain, August 25, 2017,</p> <p>10 marked for identification.)</p> <p>11 BY MR. O'BRIEN:</p> <p>12 Q. Okay. I'm going to show you what's been marked as</p> <p>13 Exhibit 10, which is an e-mail chain related to your</p> <p>14 departure from employment. And the first e-mail at</p> <p>15 the top appears to be from you. And at the outset</p> <p>16 let me ask you, occasionally on the e-mails we see</p> <p>17 the name George S. Pelvin or Spelvin?</p> <p>18 A. George Spelvin.</p> <p>19 Q. George Spelvin. Is that your home e-mail address?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. So when we see that name appearing, that's an</p> <p>22 e-mail emanating from you in your home or --</p> <p>23 A. Yes.</p> <p>24 Q. Okay. All right. So this first e-mail is dated</p> <p>25 Friday, August 25th, 2017, at 4:58 a.m.; is that</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. Okay. And with respect to -- so, and then if I</p> <p>2 understand correctly, after this -- after Bruce</p> <p>3 Grover apologizes to you, things continued -- things</p> <p>4 work out just fine in the workplace until August of</p> <p>5 2017?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. And in August of 2017, some conduct by</p> <p>8 Mr. Grover re-emerges?</p> <p>9 A. That is correct.</p> <p>10 Q. All right. And if I understand correctly, you</p> <p>11 ultimately decided to resign from employment before</p> <p>12 you actually explained to Ashley Campo or anyone</p> <p>13 else what the new conduct was by Mr. Grover?</p> <p>14 MR. FISCHER: Objection to the form of the</p> <p>15 question.</p> <p>16 BY MR. O'BRIEN:</p> <p>17 Q. All right. If I understand correctly -- if I</p> <p>18 understand correctly, new conduct by Mr. Grover</p> <p>19 emerged in August of 2017 that you found to be</p> <p>20 harassing and discriminatory; is that right?</p> <p>21 A. Correct.</p> <p>22 Q. All right. And instead of attempting to try to deal</p> <p>23 with it internally, you ultimately decided to leave</p> <p>24 Hannaford's employment?</p> <p>25 MR. FISCHER: Objection to the form. You can</p>	<p style="text-align: right;">Page 69</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. And it's from you, and it's addressed to, it looks</p> <p>4 like, Terri Dube at Hannaford, who's the associate</p> <p>5 relations manager, and it says: Hello, After much</p> <p>6 consideration and thought I have decided to leave</p> <p>7 Hampton Hannaford. My last day will be Friday,</p> <p>8 September 1st, 2017. Tim Record. Did I read that</p> <p>9 correctly?</p> <p>10 A. Yes.</p> <p>11 Q. All right. And you sent it early on Friday morning,</p> <p>12 it appears?</p> <p>13 A. Yes.</p> <p>14 Q. And then it looks like perhaps you forwarded it as</p> <p>15 well to Bruce Grover and Ashley? The second --</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And then the last e-mail on this page appears</p> <p>18 to be a response from Ashley on Friday, August 25th,</p> <p>19 2017, at 8:28 a.m. And it says: Hi Tim, I am very</p> <p>20 sorry to hear that. I would like to touch base with</p> <p>21 you next time we are working together if you are</p> <p>22 okay with that. Please feel free to reach out to me</p> <p>23 anytime you need to. Thank you. Did I read that</p> <p>24 correctly?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 70</p> <p>1 Q. All right. And do you remember receiving this</p> <p>2 e-mail?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Okay. And if I understand correctly, on</p> <p>5 Saturday, August 26th, 2017, you met with Ashley</p> <p>6 Campo and discussed your desire to leave Hannaford's</p> <p>7 employment?</p> <p>8 A. I'm sorry, on what date was that?</p> <p>9 Q. You sent the -- you sent the resignation e-mail on</p> <p>10 August 25th, and on August 26th you met with Ashley</p> <p>11 Campo; do you remember that? I'm just -- I'll show</p> <p>12 you -- do you remember --</p> <p>13 A. I'm not familiar with what day -- I know she -- I'm</p> <p>14 sorry. She was on vacation and she came back --</p> <p>15 Q. Okay.</p> <p>16 A. -- so I did send -- yeah, I recall this, but I can't</p> <p>17 remember what date we had met with her when she got</p> <p>18 back from vacation.</p> <p>19 (Exhibit 11, Conversation Recap, August 26,</p> <p>20 2017, marked for identification.)</p> <p>21 BY MR. O'BRIEN:</p> <p>22 Q. Okay. All right. I'm going to show you what's been</p> <p>23 marked as Deposition Exhibit Number 11. This is a</p> <p>24 recap of the discussion that Ashley had with you on</p> <p>25 August 26 of 2017, and I just wanted to follow up on</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Okay. I told Tim that HR was not contacted as some</p> <p>2 time had passed before I found out about the</p> <p>3 situation. Did I read that correctly and is that</p> <p>4 accurate?</p> <p>5 A. Yes.</p> <p>6 Q. I reminded Tim -- excuse me. I reminded Tim that I</p> <p>7 did follow up on the situation, and then followed up</p> <p>8 with him to make sure that he was comfortable with</p> <p>9 Bruce's apology and the outcome of how the situation</p> <p>10 was handled, and Tim told me he was fine. Did I</p> <p>11 read that correctly and is that accurate?</p> <p>12 MR. FISCHER: Objection to form.</p> <p>13 A. Yes.</p> <p>14 BY MR. O'BRIEN:</p> <p>15 Q. Okay. The next paragraph states: From there Tim --</p> <p>16 I think it should be started to tell me some recent</p> <p>17 events of why -- I guess it should be he is not</p> <p>18 comfortable working with Bruce. Did I read it</p> <p>19 correctly with those changes and is that accurate?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Tim claimed that on Sunday, August 20th, he</p> <p>22 was straightening out a mat in front of the seafood</p> <p>23 scale and Bruce was near the department, along with</p> <p>24 our center store manager, Kyle. Did I read that</p> <p>25 correctly and is that accurate?</p>
<p style="text-align: right;">Page 71</p> <p>1 this with you.</p> <p>2 It indicates that she met with you on</p> <p>3 August 26th of 2017 to talk about the one-week</p> <p>4 notice that she had received from you via the e-mail</p> <p>5 the previous day. Do you recall sitting down with</p> <p>6 her?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And it starts: Tim told me that he was no</p> <p>9 longer comfortable working with Bruce as his</p> <p>10 manager, and after talking with his family he has</p> <p>11 decided to leave. Did I read that accurately and is</p> <p>12 that correct? Did I read that correctly and is that</p> <p>13 accurate?</p> <p>14 A. That is.</p> <p>15 Q. Okay. The next sentence says: At this time, Tim</p> <p>16 told me he has another job as a manager trainee at</p> <p>17 the Golden Harvest in Kittery, Maine. Did I read</p> <p>18 that correctly and is that accurate?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. It continues: Tim asked me if HR was ever</p> <p>21 contacted when Bruce made an inappropriate remark to</p> <p>22 Tim regarding his sexual preference when he first</p> <p>23 started back in February. Did I read that correctly</p> <p>24 and is that accurate?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 73</p> <p>1 A. Yes.</p> <p>2 Q. Tim stated that when he bent over Bruce made a face</p> <p>3 and covered his private parts towards Kyle. Did I</p> <p>4 read that correctly and is that accurate?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. On the next paragraph, it states: The</p> <p>7 previous week, parentheses, W/E 8/19, closed</p> <p>8 parentheses, Tim stated he was putting things away</p> <p>9 in the department and Bruce came over and started</p> <p>10 asking him questions of why things were not done and</p> <p>11 put away. Did I read that correctly and is that</p> <p>12 accurate?</p> <p>13 A. Yes.</p> <p>14 Q. All right. It continues: Tim stated that Bruce's</p> <p>15 tone was very aggressive. Did I read that correctly</p> <p>16 and is that accurate?</p> <p>17 A. Yes.</p> <p>18 Q. Tim said that Kyle was in produce blocking cut fruit</p> <p>19 and Tim said to Kyle, quote, quotation marks, do you</p> <p>20 hear the way he is speaking to me, question mark,</p> <p>21 closed quote. Kyle replied that he was staying out</p> <p>22 of it. Did I read that correctly and is that</p> <p>23 accurate?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. The next paragraph states: Tim stated that</p>

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<p style="text-align: right;">Page 74</p> <p>1 he requested his breaks at 9:00 a.m. recently due to</p> <p>2 needing to take medication. Did I read that</p> <p>3 correctly and is that accurate?</p> <p>4 A. Yes.</p> <p>5 Q. Tim stated that Bruce did not cover his breaks until</p> <p>6 well after 9:00 a.m. on three separate days W/E</p> <p>7 8/19. Did I read that correctly and is that</p> <p>8 accurate?</p> <p>9 A. Yes.</p> <p>10 Q. It continues: Tim said when he went upstairs on his</p> <p>11 break Bruce was in the manager office playing on his</p> <p>12 phone. Tim says Bruce is often on his phone in the</p> <p>13 office when he should be working. Did I read that</p> <p>14 correctly and is that accurate?</p> <p>15 A. Yes.</p> <p>16 Q. All right. Tim also stated on the same week that</p> <p>17 Bruce has been making him wait until 6 hours to take</p> <p>18 a lunch. Did I read that correctly and is that</p> <p>19 accurate?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. The next paragraph states -- it should be --</p> <p>22 there's a typo here, but I'll read it: Tim claimed</p> <p>23 that when he was doing fresh inventory in July that</p> <p>24 Bruce had him performing inventory by himself. Did</p> <p>25 I read that correctly and is that accurate?</p>	<p style="text-align: right;">Page 76</p> <p>1 dinner while the department was behind and</p> <p>2 associates were upset by this. Did I read that</p> <p>3 correctly and is that accurate?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. The next paragraph states: When I asked Tim</p> <p>6 why he didn't tell me any of this previously, he</p> <p>7 stated he just had too much going on with the</p> <p>8 passing of his mother. Did I read that correctly</p> <p>9 and is that accurate?</p> <p>10 A. You did read it correctly, but I don't recall this.</p> <p>11 Q. Okay. It continues: I apologized to Tim for him</p> <p>12 feeling this way and us not knowing about it. Did I</p> <p>13 read that correctly and is that accurate?</p> <p>14 A. Yes.</p> <p>15 Q. And then it concludes: I told him I will be looking</p> <p>16 into his concerns and speaking with Bruce when he</p> <p>17 returns from vacation next week. Did I read that</p> <p>18 correctly and is that accurate?</p> <p>19 A. Yes.</p> <p>20 Q. All right. The passing of a mother is always a</p> <p>21 difficult thing, and, you know, we certainly extend</p> <p>22 our sympathies in that regard, but the passing of</p> <p>23 your mom has come up once or twice in the documents,</p> <p>24 I'm just wondering when that was, if you can recall?</p> <p>25 A. It was February -- February 14th.</p>
<p style="text-align: right;">Page 75</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Tim stated he had to do inventory, train a</p> <p>3 new person and wait on customers. Did I read that</p> <p>4 correctly and is that accurate?</p> <p>5 A. Yes.</p> <p>6 Q. Tim stated when he approached Bruce about this that</p> <p>7 Bruce's response was, quote: You don't have to be a</p> <p>8 bitch about it, period, end quote. Did I read that</p> <p>9 correctly and is that accurate?</p> <p>10 A. Yes.</p> <p>11 Q. Before we go onto the next one, if I remember</p> <p>12 correctly from our prior discussion earlier, I think</p> <p>13 you had said that the bitch comment occurred in</p> <p>14 August. Could this -- could she have written this</p> <p>15 down wrong, as being -- it references July?</p> <p>16 MR. FISCHER: Objection to the form.</p> <p>17 A. I couldn't tell you.</p> <p>18 BY MR. O'BRIEN:</p> <p>19 Q. Okay. But you clearly remember the bitch comment</p> <p>20 from being in August; is that fair to say?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. The next paragraph states: The last piece of</p> <p>23 information that Tim wanted to share with me was</p> <p>24 last week, parentheses, W/E 8/19, closed</p> <p>25 parentheses, Bruce was preparing his anniversary</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. 2017?</p> <p>2 A. Yes.</p> <p>3 (Exhibit 12, E-mail, August 31, 2017, marked</p> <p>4 for identification.)</p> <p>5 BY MR. O'BRIEN:</p> <p>6 Q. Okay. All right. Well, thank you for sharing that,</p> <p>7 and I apologize for bringing it up, but I just</p> <p>8 thought it was important to get -- to try to put</p> <p>9 some context around that.</p> <p>10 Okay. Next I'm going to show you what's being</p> <p>11 marked as your Deposition Exhibit Number 12, which</p> <p>12 appears to be an e-mail from you that it looks like</p> <p>13 maybe you sent it to yourself and printed out and</p> <p>14 gave to Ashley Campo, if I understand correctly; is</p> <p>15 that right?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And it's dated August 31st of 2017; is that</p> <p>18 right?</p> <p>19 A. Yes.</p> <p>20 Q. And is it fair to say that you gave a copy of this</p> <p>21 to Ashley Campo on or about August 31st of 2017?</p> <p>22 A. Yes.</p> <p>23 Q. All right. And she had asked you to itemize -- I'll</p> <p>24 withdraw that question.</p> <p>25 If I understand correctly, she had asked you to</p>

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<p style="text-align: right;">Page 78</p> <p>1 place in writing the issues, the specific issues</p> <p>2 that you had had with Bruce Grover in August of</p> <p>3 2017; is that right?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And as a result of that you placed -- you</p> <p>6 made these notes in this e-mail; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. All right. And after making these notes, it looks</p> <p>9 as if you signed the bottom of the document prior to</p> <p>10 giving it to Ashley Campo?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. All right. And the issues that you</p> <p>13 identified was that the gay harassment had continued</p> <p>14 in a couple of ways. First, by placing the mat in</p> <p>15 front of the scale and the bitch comment; is that</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And we just covered them in detail in that</p> <p>19 last note, so if there's nothing else we'll just</p> <p>20 keep moving on here. Is that fair to say, we've</p> <p>21 covered that in detail? Yes?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Thanks. Next, you identified the concern</p> <p>24 that Mr. Grover had belittled you in front of Kyle,</p> <p>25 and that was also covered in that last item that we</p>	<p style="text-align: right;">Page 80</p> <p>1 period you were at work, which you believe was</p> <p>2 against standard practice --</p> <p>3 A. Yes.</p> <p>4 Q. -- is that correct? And that was that prior week as</p> <p>5 well?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And then, in addition, you had issues with</p> <p>8 what you characterize as his -- Mr. Grover's absurd</p> <p>9 management behavior; is that correct?</p> <p>10 A. Correct.</p> <p>11 Q. All right. And the first item that you identified</p> <p>12 is that Mr. Grover was apparently on the internet</p> <p>13 looking to find Kyle a girlfriend on company time;</p> <p>14 is that right?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And was that also that prior week in August?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. What is the reference to John Garland in</p> <p>19 parentheses; do you remember?</p> <p>20 A. I believe that John was in the room at the same</p> <p>21 time.</p> <p>22 Q. Oh, you were just identifying him as a witness?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Next, and we covered this in a prior</p> <p>25 deposition exhibit, he was apparently making --</p>
<p style="text-align: right;">Page 79</p> <p>1 had identified; is that correct?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. Next, it indicates that Mr. Grover had</p> <p>4 ignored requests for breaks for you to take your</p> <p>5 medication; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. Right. And, again, that prior deposition exhibit</p> <p>8 had identified your desire to take breaks at 9:00</p> <p>9 a.m. for your medication; is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. All right. And that on at least three occasions he</p> <p>12 had had you work past nine o'clock before taking a</p> <p>13 break?</p> <p>14 A. Could you rephrase that?</p> <p>15 Q. If I understand correctly, he had had you work past</p> <p>16 nine o'clock on three different dates, which I</p> <p>17 assume to be the 17th, 18th and 20th --</p> <p>18 A. That's correct.</p> <p>19 Q. -- of August; is that correct?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. And your note here is, all at least 3 hours</p> <p>22 and 50 minutes before I had a break?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. And then next Mr. Grover told you that you</p> <p>25 could have lunch at the six-hour mark of the time</p>	<p style="text-align: right;">Page 81</p> <p>1 Mr. Grover was making an anniversary dinner in the</p> <p>2 department instead of helping associates who needed</p> <p>3 assistance, such as Pam Proctor?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And that also had been that prior week?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And next, he had you doing inventory,</p> <p>8 training new associates, and waiting on customers</p> <p>9 all at the same time, and that also had occurred in</p> <p>10 August of 2017 as well?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And then finally, Mr. Grover leaves early</p> <p>13 without ever saying goodbye to the associates and</p> <p>14 asking them if they need any help whatsoever; is</p> <p>15 that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And so these summarized -- I'll withdraw that</p> <p>18 question.</p> <p>19 So this document represents the alleged</p> <p>20 harassing and discriminating conduct and bad</p> <p>21 behavior by Mr. Grover that you reported to -- I'll</p> <p>22 withdraw that question.</p> <p>23 These instances that we've -- that are set</p> <p>24 forth on this deposition exhibit represent the</p> <p>25 harassing and discriminatory conduct by Mr. Grover</p>

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1 and related absurd management behavior by Mr. Grover
2 that occurred in August of 2017?
3 MR. FISCHER: Objection to form.
4 A. Could you rephrase that?
5 Q. Thank you.
6 The notes that you have on Deposition Exhibit
7 Number 12 that you prepared represent the harassing
8 and discriminatory conduct and absurd management
9 behavior by Mr. Grover that occurred in August of
10 2017?
11 A. Correct.
12 Q. Thanks.
13 After submitting this report to -- I'll
14 withdraw that question.
15 After submitting a copy of the e-mail dated
16 August 31st, 2017, to Ms. Campo, is it fair to say
17 that you don't have any direct knowledge of what, if
18 any, action she took after receiving this
19 information?
20 A. I do not.
21 Q. Okay. And if I understand correctly, it was this
22 conduct in August of 2017 that led you to conclude
23 that continuing to work at Hannaford would not be
24 possible?
25 A. Correct.

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1 Q. And as a result of this conduct in 2017 -- in August
2 of 2017, you opted to leave Hannaford's employment
3 and take a position with -- initially, with Golden
4 Harvest?
5 A. Correct.
6 MR. FISCHER: Objection to form.
7 BY MR. O'BRIEN:
8 Q. And then after Golden Harvest you obtained a
9 position at McKinnon's Supermarket?
10 A. Yes.
11 MR. O'BRIEN: Okay. Okay. This is probably
12 a good time to take a break for lunch.
13 MR. FISCHER: Yeah, sounds good.
14 (A lunch break was taken.)
15 (Exhibit 13, Medical Records from Jeffrey M.
16 Wagner, Ph.D., marked for identification.)
17 BY MR. O'BRIEN:
18 Q. Good afternoon, Mr. Record.
19 A. Good afternoon.
20 Q. I've placed in front of you Deposition Exhibit
21 Number 12, which is a report that was prepared by
22 Dr. Wagner. Actually there's two of them. The
23 second one is shorter. And the first one is dated
24 January 10 of 2018. Can you tell me when you first
25 began treating with Dr. Wagner? Or if you are

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1 treating with Dr. Wagner?
2 A. Could you rephrase that, please?
3 Q. Sure. Let's go back.
4 A. Yeah.
5 Q. Okay.
6 A. All right.
7 Q. And then we'll walk into that one. So thank you.
8 All right. Any time prior to your departure
9 from Hannaford have you ever received treatment or
10 counseling from a mental healthcare provider, a
11 social worker, a licensed clinical social worker, a
12 psychologist, a psychiatrist, for any mental health
13 related issues?
14 A. As a teenager.
15 Q. Okay. And just in general, what was that related
16 to?
17 A. Coming out of the closet at age 17.
18 Q. Okay. Other than the counseling treatment
19 associated -- or, you know, the services that you
20 received associated with that, has there been any
21 other time that you've received treatment for any
22 mental health related issues?
23 A. No.
24 Q. Okay. And as far as since your departure from
25 Hannaford, have you been seeing any mental health

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1 counselors, licensed clinical social workers, a
2 psychologist, psychiatrist or anything along those
3 lines?
4 A. Yes.
5 Q. Okay. Who and when?
6 A. Dr. Wagner.
7 Q. Okay.
8 A. And starting in, I think it was December of 2018, I
9 think it was the first time, and then January, I was
10 seeing him once a month.
11 Q. Starting in January of '19?
12 A. Yeah.
13 Q. Okay. In December of 2018 who did you see?
14 A. Dr. Wagner.
15 Q. Okay. And since then, since December of 2018, how
16 many times have you seen Dr. Wagner?
17 A. I think I've seen him four times total.
18 Q. Okay. The records that we have, and we understand
19 they're not the complete records, indicate that you
20 saw him on January 10th of 2018 and November 29th of
21 2018. Does that --
22 A. Yes.
23 Q. -- refresh your recollection as to the time periods
24 in which you saw Dr. Wagner?
25 A. Yes.

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<p style="text-align: right;">Page 86</p> <p>1 Q. All right. Is it fair to say you've only seen him 2 on two occasions? Or have you seen him on more? 3 A. Could you rephrase that? 4 Q. Okay. The records that we have at present, and we 5 know they're not the complete records -- 6 A. Yes. Yes. 7 Q. -- reflect you seeing Dr. Wagner on January 10th of 8 2018 and November 29th of 2018. Do you recall any 9 other dates on which you saw Dr. Wagner? 10 A. No. 11 Q. Okay. Have you treated with any other mental health 12 provider at all other than Dr. Wagner? 13 A. Mental health? 14 Q. Yes. 15 A. No. 16 Q. Okay. And if I understand correctly, as far as this 17 case goes, you're alleging that you suffered some 18 emotional distress related damages? 19 A. Yes. 20 Q. Okay. All right. And have you been -- is there any 21 type of medication you're taking for any sort of 22 mental health condition that you have? 23 A. Lexapro. 24 Q. Lexapro. And what are you taking that for? 25 A. Sleeplessness, sleepless -- sleeplessness.</p>	<p style="text-align: right;">Page 88</p> <p>1 A. Could you rephrase that? 2 BY MR. O'BRIEN: 3 Q. Sure. Basically, you didn't have to go to your 4 regular doctor for any issues that you're 5 experiencing as a result of your separation from 6 Hannaford? 7 MR. FISCHER: Objection to the form of that 8 question. 9 A. Correct. 10 BY MR. O'BRIEN: 11 Q. Okay. And who referred you to Dr. Wagner? 12 A. My attorneys. 13 Q. Okay. Had you treated with Dr. Wagner at any point 14 prior to that referral? 15 A. No. 16 Q. All right. And -- okay. Is there anything else 17 about your mental health since your departure from 18 Hannaford that you attribute to Hannaford that you 19 haven't told us about today? 20 A. No. 21 (Exhibit 14, Memo by Kyle Lasher, 8/13/17, 22 marked for identification.) 23 BY MR. O'BRIEN: 24 Q. Okay. Mr. Record, I'm showing you what's been 25 marked as your Deposition Exhibit Number 14, and I</p>
<p style="text-align: right;">Page 87</p> <p>1 Q. And how long have you been taking that? 2 A. Two months. 3 Q. Okay. Prior to taking Lexapro did you take any 4 other medication? 5 A. No. 6 Q. Okay. Could you describe for me what types of 7 emotional distress you feel that you've suffered 8 from since your departure from Hannaford? 9 A. My -- pretty much sadness, loss of sleep. 10 Self-worth, I think, just the -- 11 Q. And previously we focused on your mental health 12 providers. Have you received any mental health 13 related treatment from a primary care physician? 14 A. I'm due to have a physical. I had a -- I have an 15 appointment for a physical that I had to reschedule. 16 That's at the end of this month. 17 Q. Okay. 18 A. But the healthcare provider put me on Lexapro. 19 Q. Okay. But other than -- I'll withdraw the question. 20 But if I understand correctly, you had no need 21 to go to your primary healthcare provider for any 22 issues arising out of your separation from 23 Hannaford? 24 MR. FISCHER: Objection to the form of the 25 question.</p>	<p style="text-align: right;">Page 89</p> <p>1 have a couple of questions for you. This is a memo 2 written up by Kyle Lasher. And about halfway down 3 it states: On August 17, 2017, I was stocking the 4 meat case. During that time, Tim had walked from 5 the seafood to the meat department three to four 6 times. I believe the first time I said good morning 7 to Tim. On the third or fourth time Tim walked up 8 to me and said, thank you for stocking the pickles 9 today, with a smile. Do you remember that 10 conversation with Kyle Lasher? 11 A. No. 12 Q. What was Kyle Lasher's role at the store, if you can 13 recall? 14 A. I believe he was a grocery manager. 15 Q. Okay. The next paragraph says: On several 16 occasions when I have been working on the computer 17 in the manager's office, Tim would come in to get 18 his lunchbox out of the filing cabinet. At that 19 time, he would touch my arm or as he would reach 20 down to open the bottom drawer, tap my leg and say, 21 oh, excuse me, I need to get into there. 22 Do you remember any of those occasions in which 23 you went into the office, the manager's office and 24 Mr. Lasher was in the manager's office? 25 A. No.</p>

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<p style="text-align: right;">Page 90</p> <p>1 Q. Do you remember coming into contact with his body at 2 any point in time?</p> <p>3 A. No.</p> <p>4 Q. Okay. If you skip down a couple paragraphs, it 5 says: Earlier this year when I was doing my center 6 store walk, Tim approached me and said, I had a 7 dream about you last night. My response was, oh, 8 that's nice, and continued with my store walk. This 9 was an uncomfortable conversation.</p> <p>10 Do you recall that conversation with 11 Mr. Lasher?</p> <p>12 A. Yes.</p> <p>13 Q. And did I -- is the way I described it, is that 14 accurate as to what occurred?</p> <p>15 A. No.</p> <p>16 Q. What else occurred or what's inaccurate?</p> <p>17 A. That whole thing is inaccurate.</p> <p>18 Q. The entire paragraph is accurate?</p> <p>19 A. Could you rephrase that?</p> <p>20 Q. Yeah. I'll start by rereading it. Earlier -- the 21 paragraph states: Earlier this year when I was 22 doing my center store walk, Tim approached me and 23 said, I had a dream about you last night. My 24 response was, oh, that's nice, and continued with my 25 store walk. Did I read that correctly?</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Okay. Was there any further discussion that you can 2 recall?</p> <p>3 A. There was not.</p> <p>4 Q. Have you had any other discussions with Mr. Lasher 5 about any of your dreams?</p> <p>6 A. No.</p> <p>7 (Exhibit 15, Series of E-mails, September 2017, 8 marked for identification.)</p> <p>9 BY MR. O'BRIEN:</p> <p>10 Q. Okay. Mr. Record, I'm showing you what's been 11 marked as your Deposition Exhibit Number 15, which 12 is a series of e-mails. If we can look at the first 13 two pages. And many of these e-mails are in reverse 14 order, but if we look at the bottom of the first 15 page it appears to be an e-mail from you to Ashley 16 Campo, dated September 11 of 2017; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. And it says: Hello Ashley, I'd like to take you up 19 on your offer. I wanted to see if you have time to 20 talk tomorrow about returning to Hannaford. Please 21 let me know if you have time. Tim Record. Did I 22 read that correctly?</p> <p>23 A. You did.</p> <p>24 Q. All right. And is it fair to say you can recall 25 sending her this e-mail?</p>
<p style="text-align: right;">Page 91</p> <p>1 A. You did read that correctly.</p> <p>2 Q. And is that an accurate recollection of the 3 events --</p> <p>4 A. Not to my recollection.</p> <p>5 Q. Okay. What do you recall having transpired in 6 connection with that?</p> <p>7 A. My recollection of the dream?</p> <p>8 Q. Yes.</p> <p>9 A. My recollection of the dream is that we had -- I had 10 a dream that we were hiking.</p> <p>11 Q. Okay.</p> <p>12 A. Hiking.</p> <p>13 Q. And so you shared with him that you had a dream 14 about the fact that you and he were on a hike 15 together?</p> <p>16 MR. FISCHER: Objection to form.</p> <p>17 A. It was like on a trail, it was a dream.</p> <p>18 Q. Okay.</p> <p>19 A. Yeah.</p> <p>20 Q. But you -- so, you shared with him the fact that you 21 had had a dream about the two of you hiking 22 together; is that fair to say?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And you shared that with him in the store?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 93</p> <p>1 A. Yes.</p> <p>2 Q. And you sent her this e-mail, I take it, in response 3 to her offer to have you return to employment at 4 Hannaford?</p> <p>5 A. With a possible return.</p> <p>6 Q. Okay. All right. And your language is, I'd like to 7 take you up on your offer; is that right?</p> <p>8 A. Could you rephrase that?</p> <p>9 Q. In your e-mail you use the words, I'd like to take 10 you up on your offer; is that right?</p> <p>11 A. To discuss.</p> <p>12 Q. Okay. And the next e-mail appears to be a response 13 from Ashley Campo to you, proposing when you may be 14 able to meet, is that correct, on September 11?</p> <p>15 Just right above your initial e-mail at the bottom 16 of the page. I'm sorry.</p> <p>17 A. This one?</p> <p>18 Q. Yes, right there.</p> <p>19 A. I'm sorry, could you ask your question again?</p> <p>20 Q. Yes. It appears as if Ashley responded to your 21 initial e-mail of September 11 by proposing some 22 dates and times --</p> <p>23 A. Yes.</p> <p>24 Q. -- for you to meet?</p> <p>25 A. Oops, sorry.</p>

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1 Q. Is that correct?

2 A. It is correct.

3 Q. Okay. And then immediately above that, it appears

4 as if on September 13th of 2017 you responded to her

5 and stated: Hi Ashley, Can I come talk to you on

6 Saturday, the next day I have off? I would like to

7 return to Hannaford full-time if my position was

8 still left open. Let me know what time Saturday we

9 can talk. I hope I'm open. Thank you. Did I read

10 that correctly?

11 A. Yes.

12 Q. And that's the e-mail that you sent to Ashley and

13 it's an accurate recitation of the contents of that

14 e-mail?

15 A. Yes.

16 Q. Okay. And then later on Wednesday, September 13th,

17 Ashley responded to you indicating that you're

18 definitely welcome to stop by, but the position has

19 been filled, but that you can apply for any

20 full-time positions that are available. And she

21 believed that there were quite a few open. And do

22 you remember receiving that e-mail from her?

23 A. Yes.

24 Q. Okay. Okay. We can skip to the next series of

25 e-mails. And, again, it's -- for this sequence

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1 it's -- it will be two pages, the beginning of the

2 initial e-mail on this e-mail exchange is right at

3 the bottom of the first page, which indicates that

4 it's an e-mail from you on September -- way at the

5 bottom. Let me just see that for one second. Thank

6 you. Okay. Yeah, right here. Sorry. Right at the

7 bottom, and then we'll go to the second page.

8 A. Okay.

9 Q. It's an e-mail from you dated September 19, 2017.

10 And if we go to the next page, it's shows that it's

11 going to Ashley Campo. And in it you say: Good

12 morning Ashley, I actually have Saturday off. Can

13 we meet anytime you want, it's convenient for you.

14 I still would like to get a job full time to keep

15 all my benefits, vacation and time that I built.

16 Thank you so much. Have a great day, Tim. And so

17 that's the e-mail that you sent to Ms. Campo?

18 A. Yes.

19 Q. All right. And that e-mail was in response to her

20 e-mail early in the day on September 19, in which

21 she stated: I wanted to check in and see where you

22 may be at with things. I wanted to see if you

23 wanted to stay on part time still, and if you need

24 help or still interested to apply for full-time

25 roles within the company. I would still be more

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1 than happy to meet with you. Did I read that

2 correctly?

3 A. Yes.

4 Q. All right. And you can recall receiving that and

5 responding in the manner that we previously

6 described?

7 A. Yes.

8 Q. Okay. And then if we can go back to the first page

9 of this sequence. Going up from the bottom -- oh,

10 I'm sorry, the first page of this particular

11 sequence. Going up from the bottom, it looks like

12 on September 19, Ashley Campo responded to you,

13 providing you some possible dates to meet, and then

14 you responded to her about when you believed that

15 you could meet. And your response to her was on

16 September 20th. So is it fair to say that Ashley

17 reached out to you again on September 19, proposing

18 some dates and times to get together, and then on

19 September 20th you responded to Ashley on when you

20 could meet with her?

21 A. Yes.

22 Q. Okay. And then if we go to the top e-mail, on

23 September 21st Ashley responded to you that, you

24 know, unfortunately she had to leave because of the

25 closing on her house had been --

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1 A. Yes.

2 Q. -- scheduled for that day. And do you recall

3 receiving that?

4 A. Yes.

5 (Exhibit 16, Transcript of Voicemail Message,

6 September 21, 2017, marked for identification.)

7 BY MR. O'BRIEN:

8 Q. Okay. Okay. We're going to put a hold on that

9 particular document. I'm going to give you a

10 different exhibit and then we'll come back to that.

11 I'm providing you what's been marked Deposition

12 Exhibit Number 16, which is a transcript of a

13 voicemail message that you left for Ashley in

14 response to her e-mail. Do you recall leaving a

15 voicemail message for her?

16 A. Yes.

17 Q. Okay. In addition to providing you with a

18 transcript, I'm going to go ahead and play it, but I

19 will -- the court reporter may not be able to pick

20 it up off of this and that's why I have marked this

21 as a deposition exhibit. Hi Ashley, it's Tim. I

22 just got your message. It is noon and I

23 understand you're closing on your house, so that's

24 exciting, but let -- could you just text me or

25 e-mail me and let me know when you're available. I

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<p style="text-align: right;">Page 98</p> <p>1 don't want to be terminated. I want to get back to</p> <p>2 Hannaford, but I need your help to do that.</p> <p>3 Hopefully, you know, my pay is not going to change</p> <p>4 or anything like that, but I did want to, you know,</p> <p>5 take you up on your offer to get back in there and</p> <p>6 stay. So if -- just let me know if I can talk to</p> <p>7 Terri or something. I have Saturday off, if I could</p> <p>8 talk to anybody at Hannaford, then I will contact</p> <p>9 them and get in touch. Thank you so much for your</p> <p>10 help. Talk to you later. Bye.</p> <p>11 Okay. Did you recognize the voice on that</p> <p>12 e-mail?</p> <p>13 MR. FISCHER: Voicemail.</p> <p>14 BY MR. O'BRIEN:</p> <p>15 Q. On the voicemail, thank you.</p> <p>16 A. Yes.</p> <p>17 Q. All right. And it's fair to say that that was your</p> <p>18 voice there?</p> <p>19 A. Yes.</p> <p>20 Q. And that was the message that you left for Ashley on</p> <p>21 September 21st --</p> <p>22 A. Yes.</p> <p>23 Q. -- 2017? Is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. The document that I've placed in front of</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Okay. And then in response to that, at the top of</p> <p>2 this page, Ashley responded: I understand you</p> <p>3 needing to take a full-time position. At this point</p> <p>4 would you like us to terminate your employment with</p> <p>5 Hannaford? Did I read that correctly?</p> <p>6 A. Yes.</p> <p>7 Q. And did you -- and do you recall responding to that?</p> <p>8 A. I do not.</p> <p>9 Q. Okay. Prior to that e-mail exchange, do you</p> <p>10 remember going into Hannaford and meeting with Terri</p> <p>11 Dube and perhaps Steve Gary to discuss possible</p> <p>12 openings?</p> <p>13 A. Yes.</p> <p>14 Q. All right. And at that point in time they pointed</p> <p>15 out a number of openings that were on a full-time</p> <p>16 basis in and around the Hampton and Portsmouth area;</p> <p>17 do you recall that?</p> <p>18 A. Yes.</p> <p>19 Q. There was one in Rochester, one in Raymond, one in</p> <p>20 Dover Fields, one in Portsmouth, and one in the</p> <p>21 Hampton store; do you recall that?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. All right. But at that point in time you</p> <p>24 chose not to proceed with any of those</p> <p>25 opportunities; is that fair to say?</p>
<p style="text-align: right;">Page 99</p> <p>1 you, is that a fair and accurate transcription of</p> <p>2 the voicemail?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Okay. So now we can switch back to the</p> <p>5 previous exhibit. And we can flip to the next set</p> <p>6 of e-mails in the sequence. And this will be --</p> <p>7 it's a two-page -- well, it's effectively a one-page</p> <p>8 sequence. If we -- if we look at the bottom of --</p> <p>9 of this section, right here, there's an e-mail from</p> <p>10 Ashley Campo to you dated September 27, 2017 at 9:20</p> <p>11 a.m. And it's -- it says: I called and left you a</p> <p>12 message on Monday, but have not heard back from you.</p> <p>13 Are you still interested in deli part-time? If so,</p> <p>14 did you want to start next week? Also, what is your</p> <p>15 availability and any upcoming requests off that you</p> <p>16 need? And then you responded later in the day on</p> <p>17 September 27th and stated: I've decided -- Hi</p> <p>18 Ashley, I've decided to take a full-time position</p> <p>19 elsewhere. Thank you. Tim Record. Did I read that</p> <p>20 accurately?</p> <p>21 A. Yes.</p> <p>22 Q. All right. And that indeed is your response to her</p> <p>23 attempt to reach out to you again about coming back</p> <p>24 to work at Hannaford?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 101</p> <p>1 A. Wait, could you rephrase that?</p> <p>2 Q. Yes. At that point -- when you had reviewed all</p> <p>3 those openings, you opted not to pursue employment</p> <p>4 in any one of those positions at that point in time?</p> <p>5 MR. FISCHER: Objection to form.</p> <p>6 A. Right.</p> <p>7 Q. Was it --</p> <p>8 MR. FISCHER: He answered the question</p> <p>9 though.</p> <p>10 A. Correct.</p> <p>11 Q. Correct? Okay. All right.</p> <p>12 (Exhibit 17, Letter from Theresa Dube,</p> <p>13 September 30, 2017, marked for identification.)</p> <p>14 BY MR. O'BRIEN:</p> <p>15 Q. Next I'm going to show you what's been marked as</p> <p>16 your Deposition Exhibit Number 17, which is a letter</p> <p>17 from Terri Dube, the associate relations manager for</p> <p>18 the Hampton store, and it indicates -- it states --</p> <p>19 I'll withdraw that.</p> <p>20 It is a letter from Terri Dube, the associates</p> <p>21 relations manager at the Hampton store, dated</p> <p>22 September 30, 2017, addressed to you, and it states:</p> <p>23 In the last communication with Ashley, you stated</p> <p>24 that you had accepted a full-time position outside</p> <p>25 of Hannaford. I wish to offer congratulations on</p>

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<p style="text-align: right;">Page 102</p> <p>1 that. On Wednesday, September 27, 2017, she asked</p> <p>2 if we should terminate your employment with</p> <p>3 Hannaford. Did I read that correctly?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And do you remember receiving this letter?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And then the next paragraph states: As of</p> <p>8 September 30, 2017, you still haven't responded. If</p> <p>9 we don't hear from you by October 12th, 2017, we</p> <p>10 will process your termination of employment with</p> <p>11 Hannaford. Did I read that correctly?</p> <p>12 A. Yes.</p> <p>13 Q. And it's fair to say that you didn't respond to this</p> <p>14 letter; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Just going back to the allegations of</p> <p>17 harassment and discrimination that you're bringing</p> <p>18 forth against Hannaford, if I understand correctly,</p> <p>19 in paragraph -- in the Exhibit Number 8, which is</p> <p>20 the charge of discrimination, in paragraph A, 6A, B</p> <p>21 and C, you indicated that these instances occurred</p> <p>22 in the first three weeks of Mr. Grover's employment</p> <p>23 in February and March of 2017; is that correct?</p> <p>24 MR. FISCHER: Objection to the form of the</p> <p>25 question. You can answer.</p>	<p style="text-align: right;">Page 104</p> <p>1 in August of 2017?</p> <p>2 MR. FISCHER: Objection to the form of the</p> <p>3 question.</p> <p>4 A. Could you rephrase that?</p> <p>5 BY MR. O'BRIEN:</p> <p>6 Q. Sure. And as far as your allegation that you were</p> <p>7 subjected to derogatory, demeaning and/or effeminate</p> <p>8 language, you're referring to Mr. Grover's use of</p> <p>9 the word bitch in reference to you in August of</p> <p>10 2017?</p> <p>11 MR. FISCHER: Same objection.</p> <p>12 A. Correct.</p> <p>13 BY MR. O'BRIEN:</p> <p>14 Q. All right. I just want to make sure that there's no</p> <p>15 other instances that we need to ask you questions</p> <p>16 about and that's why I asked that in that manner.</p> <p>17 Do you understand that?</p> <p>18 A. I do.</p> <p>19 Q. Okay. And having heard that your answer remains the</p> <p>20 same?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. Excuse me. I'm just going to turn off the</p> <p>23 sound on this.</p> <p>24 After you had the discussion with Ashley Campo</p> <p>25 in April of 2017 and you shared with her the report</p>
<p style="text-align: right;">Page 103</p> <p>1 A. Yes.</p> <p>2 BY MR. O'BRIEN:</p> <p>3 Q. Okay. And then paragraphs 6D and E took place in</p> <p>4 August of 2017?</p> <p>5 A. Could you rephrase that?</p> <p>6 Q. Yes. The incidents referenced in paragraph 6D and</p> <p>7 6E occurred in August of 2017?</p> <p>8 A. Yes.</p> <p>9 Q. All right. And just so that I'm clear, there are no</p> <p>10 other allegations of harassment or discrimination</p> <p>11 until from April -- I'll withdraw that question.</p> <p>12 Other than the allegations of discrimination</p> <p>13 and harassment that you've set forth in that</p> <p>14 paragraph six, I understand that there are no other</p> <p>15 allegations of harassing or discriminatory treatment</p> <p>16 that you allege that Hannaford or Mr. Grover engaged</p> <p>17 in?</p> <p>18 MR. FISCHER: Objection to the form. You can</p> <p>19 answer the question.</p> <p>20 A. Correct.</p> <p>21 BY MR. O'BRIEN:</p> <p>22 Q. Okay. And with respect to the allegations that you</p> <p>23 were subjected to derogatory, demeaning or</p> <p>24 effeminate language by Mr. Grover, that focuses in</p> <p>25 on the instance of him referring to you as a bitch</p>	<p style="text-align: right;">Page 105</p> <p>1 that you had made to Jeff Howard, it's my</p> <p>2 understanding that, although brief, there are a</p> <p>3 couple of follow-up discussions that you had with</p> <p>4 Ms. Campo in which she asked you how things were</p> <p>5 going and you responded something along the lines</p> <p>6 of, well, nothing else has happened yet; is that</p> <p>7 fair to say?</p> <p>8 A. Could you rephrase that?</p> <p>9 Q. Yes.</p> <p>10 A. Okay.</p> <p>11 Q. After you made the report to Ms. Campo in April of</p> <p>12 2017, which was similar to the report you made to</p> <p>13 Mr. Howard, Ms. Campo followed up with you on a</p> <p>14 couple of occasions to ask you how things were</p> <p>15 going; is that fair to say?</p> <p>16 A. No.</p> <p>17 Q. No? Let me rephrase it then. Is it fair to say</p> <p>18 that there were a couple of occasions in which</p> <p>19 Ms. Campo asked you how things were going after you</p> <p>20 made the report in April of 2017?</p> <p>21 A. Once.</p> <p>22 Q. Once? Okay. And in that conversation when she</p> <p>23 followed up with you, you informed her that nothing</p> <p>24 had happened as of yet?</p> <p>25 A. That needs to be rephrased, but yes.</p>

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<p style="text-align: right;">Page 106</p> <p>1 Q. Okay. Is it fair to say that when you -- when she 2 met with you and asked you how things were going 3 with Mr. Grover -- I'll withdraw. Let me rephrase 4 the question. 5 Is it fair to say that when she met with you 6 after April of 2017, she asked you how things were 7 going with Mr. Grover? 8 A. It's not fair to say. 9 Q. Okay. Did she ask you just in general how things 10 were going? 11 A. In passing. 12 Q. Okay. That's -- so it's the meeting is the issue? 13 Okay. I understand. Is it fair to say that on at 14 least one occasion Ms. Campo and you briefly 15 discussed how things were going? 16 A. In passing. 17 Q. Okay. And you would characterize that as in 18 passing, but it did occur? She did pose that 19 question? 20 A. I walked by her office. 21 Q. Right. So you walked -- 22 A. In passing. 23 Q. Okay. So as you're walking by her office she asked 24 you how things were going with Mr. Grover; is that 25 fair to say?</p>	<p style="text-align: right;">Page 108</p> <p>1 your Deposition Exhibit Number 18, which is a series 2 of notes that had been provided by your attorney to 3 us in the course of discovery, and I'd just like to 4 just walk through these notes with you. The first 5 one appears to have your business card from the 6 Hampton store at one point in time? 7 A. Yes. 8 Q. Okay. I can't make out what the photo or depiction 9 is on this particular page. Do you have any idea 10 what that is? 11 A. It's a picture of me. 12 Q. It's a picture of you? 13 A. Yes. 14 Q. Okay. And could you describe it, because I can't 15 make it out, what is it depicting? 16 A. It's a photo of me with friends that we took when I 17 graduated college. 18 Q. Okay. Is it supposed to represent -- again, you 19 can't really make it out. Is it supposed to 20 represent anything -- 21 A. No. 22 Q. Okay. So it's a photo of you at college, okay. Is 23 there -- is there any -- 24 A. When I graduated college. 25 Q. When you graduated college. And we all know time</p>
<p style="text-align: right;">Page 107</p> <p>1 A. She asked me if anything has happened. 2 Q. Okay. 3 A. And I said, not yet. 4 Q. Okay. Perfect. 5 A. Okay. 6 Q. Actually, thank you. All right. Good. 7 I just want to go back in time. You initially 8 began working for Hannaford at the Hampton store, 9 and in and around 2010 you applied for a transfer 10 and promotion to a different store and position as 11 the evening operations manager in the Portsmouth 12 store; is that correct? 13 A. I interviewed for a job. 14 Q. Right. But as part of that process I assume that 15 you had to submit an application? 16 A. Yes. 17 Q. Okay. And it's fair to say that in order to move 18 from one store to another or from position to 19 position the ordinary process is you'd submit an 20 application for that transfer and promotion? 21 A. Yes. 22 (Exhibit 18, Series of Notes, marked for 23 identification.) 24 BY MR. O'BRIEN: 25 Q. Okay. Next I'm going show you what's been marked as</p>	<p style="text-align: right;">Page 109</p> <p>1 passes, but is there any particular reason that it 2 was included in this information? 3 A. It was in an old journal that I had that had no 4 writing in it at the time. 5 Q. Okay. All right. And as I reviewed the journal, it 6 seems as if the majority of the handwritten entries 7 were made after you had left Hannaford and perhaps 8 after you had first seen Dr. Wagner in January of 9 2018? 10 A. I believe it was January 2019. 11 Q. January of 2019? 12 A. Yeah. 13 Q. Okay. And so these handwritten notations are just 14 your reflections back on your experiences over 15 time -- 16 A. My meetings with Dr. Wagner. 17 Q. Okay. So this was part of his protocol or treatment 18 for you, to reflect back on things that had occurred 19 in your past and to memorialize them in the present, 20 rather than -- and so that these weren't written -- 21 A. Could you rephrase? 22 Q. Yes. The bottom line -- 23 MR. FISCHER: Let him finish the question 24 before -- 25 THE DEPONENT: I'm sorry.</p>

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<p style="text-align: right;">Page 110</p> <p>1 MR. FISCHER: -- you interject.</p> <p>2 BY MR. O'BRIEN:</p> <p>3 Q. So if I understand correctly these were not written</p> <p>4 when you were an employee of Hannaford?</p> <p>5 A. No.</p> <p>6 Q. Okay. That's all right. Sometimes lawyers have</p> <p>7 confusing, long-winded questions and I appreciate</p> <p>8 your patience.</p> <p>9 Okay. One of the documents that you did</p> <p>10 include in here is the Service Star of the Year for</p> <p>11 2015. Would you mind just providing us an overview</p> <p>12 of what led to you being awarded the Service Star of</p> <p>13 the Year and what it meant from your perspective?</p> <p>14 It looks like it was for 2015 when you were an</p> <p>15 assistant seafood manager.</p> <p>16 A. I'm sorry, could you repeat the question?</p> <p>17 Q. Yes. I understand that you were awarded a Service</p> <p>18 Star of the Year for your role as an assistant</p> <p>19 seafood manager for 2015, and I was wondering if you</p> <p>20 could just provide us a quick capsule summary of how</p> <p>21 it came about and what that process entailed?</p> <p>22 A. Ashley nominated me for Service Star of the Year.</p> <p>23 Q. Okay. All right. And when she did so did she give</p> <p>24 you any explanation of why she was doing it at that</p> <p>25 point in time?</p>	<p style="text-align: right;">Page 112</p> <p>1 A. Yes.</p> <p>2 Q. It's a complimentary recognition by the store</p> <p>3 manager, Ashley Campo, and by the company; is that</p> <p>4 fair to say?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. It's a good thing, for lack of a better word;</p> <p>7 is that right?</p> <p>8 A. Yes.</p> <p>9 Q. Okay, good.</p> <p>10 MR. O'BRIEN: All right. For any of these</p> <p>11 places that are blocked out, you know,</p> <p>12 occasionally you'll see it blocked out, would that</p> <p>13 be attorney-client privilege?</p> <p>14 MR. FISCHER: Yeah. And they were --</p> <p>15 MR. O'BRIEN: Yeah, it's fine.</p> <p>16 MR. FISCHER: It's innocuous; business card,</p> <p>17 stuff like that.</p> <p>18 MR. O'BRIEN: Yes, absolutely. No problem.</p> <p>19 MR. FISCHER: I can do a privilege log.</p> <p>20 MR. O'BRIEN: No, we're good on that. Yes.</p> <p>21 BY MR. O'BRIEN:</p> <p>22 Q. There is one page that I just wanted to get a fuller</p> <p>23 understanding of. It's this one. It's like</p> <p>24 three-quarters of the way through.</p> <p>25 MR. FISCHER: I'll apologize for the Bates</p>
<p style="text-align: right;">Page 111</p> <p>1 A. I believe it's in here.</p> <p>2 Q. Okay. So it's fair to say Ashley knew you well --</p> <p>3 Ashley Campo knew you well and obviously she thought</p> <p>4 highly of you as an individual and an employee?</p> <p>5 MR. FISCHER: Objection to form.</p> <p>6 A. I'm not sure. I couldn't speak for that.</p> <p>7 BY MR. O'BRIEN:</p> <p>8 Q. But it's fair to say that Ashley had worked with you</p> <p>9 for quite a number of years? Is that fair to say</p> <p>10 that Ashley had worked with you for quite a number</p> <p>11 of --</p> <p>12 A. She worked with -- yeah.</p> <p>13 Q. And that because you had worked together for so many</p> <p>14 years she knew your work ethic and performance</p> <p>15 ability?</p> <p>16 A. Yes.</p> <p>17 Q. All right. And in 2015, I take it that it was a</p> <p>18 compliment to be recognized as the Service Star of</p> <p>19 the Year?</p> <p>20 A. A compliment?</p> <p>21 Q. It's a recognition --</p> <p>22 A. Yes, it's a recognition.</p> <p>23 Q. -- I assume --</p> <p>24 A. It's a recognition, yes.</p> <p>25 Q. Right.</p>	<p style="text-align: right;">Page 113</p> <p>1 stamp. I don't know how that happened. It was</p> <p>2 not intentionally.</p> <p>3 MR. O'BRIEN: Oh, yeah. No, no problem.</p> <p>4 BY MR. O'BRIEN:</p> <p>5 Q. Do you have -- that's the one.</p> <p>6 A. That's it, okay.</p> <p>7 Q. Okay. So, I just need to -- I think I know what it</p> <p>8 means, but it would be probably helpful for you to</p> <p>9 just confirm it. On this page it appears to say:</p> <p>10 Own, own the words, O-W-N, own the words. African</p> <p>11 American owns N-word. N being the capital N. Gays</p> <p>12 own gay. Describes group of people who are not</p> <p>13 straight. And then underneath the word gay is the</p> <p>14 word queer in a box. And then an arrow saying to a</p> <p>15 phrase, anyone who is not straight. And then in</p> <p>16 parentheses it says, you can refer to yourself,</p> <p>17 closed parentheses. My friends at Hannaford did not</p> <p>18 violate my civil rights.</p> <p>19 Okay. So I -- I take from this -- why don't</p> <p>20 you describe what you meant by it. I think I know</p> <p>21 what you meant, but go ahead and tell me what you</p> <p>22 meant by this.</p> <p>23 A. Well, I -- it was just working with Dr. Wagner about</p> <p>24 why people use the words that they use.</p> <p>25 Q. Okay, right. Okay. And --</p>

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1 A. And --

2 Q. -- is it fair to say that your observation was that

3 African Americans, they can use the N-word because

4 they're -- they're black and African American, and

5 if they choose to use the slang -- a slang reference

6 they can use it, and that, similarly, gays can use

7 whatever language they want to refer to themselves

8 in the same manner? Is that what you're saying?

9 MR. FISCHER: I'm going to object to the form

10 of that question, but you can answer it.

11 A. Could you rephrase that? I'm not -- I'm confused as

12 to what your question is.

13 BY MR. O'BRIEN:

14 Q. I'm trying to understand, you know, what your -- the

15 point of this, and that's why I'm saying are you

16 basically saying, to cut to the chase, gays can

17 refer to themselves as gay or other reference -- or

18 other references, appropriate references in an

19 easier, more comfortable fashion than individuals

20 who are straight referring to gays?

21 A. No.

22 Q. No, okay.

23 A. No.

24 Q. Okay. What are you referring to?

25 A. This was going -- this was going through why people

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1 do this, like why they -- why they do it, you know,

2 that's with Dr. Wagner, was we were discussing was

3 why people do this in general.

4 Q. Okay.

5 A. Like why they think that people could say their own

6 words for whatever, and it -- you know, it was

7 just -- it was just a dialogue or a potential

8 dialogue --

9 Q. Right.

10 A. -- as to why people even do that.

11 Q. And then it sounds like the reference to the friends

12 at Hannaford, you're referring to those that you

13 trusted and were friendly with?

14 A. Yes.

15 Q. And anything in particular other than that?

16 A. No.

17 Q. Okay. If we could skip two pages later, it says, I

18 value my friendships with my Hannaford co-workers,

19 parentheses, Pam, Dan, Stephen, because we had

20 conversations about many things. Our friendships

21 were built on respect and trust. Did I read that

22 correctly?

23 A. Yes.

24 Q. Okay. And these were the -- this is the friendships

25 and respect and trust that you described previously?

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1 A. Correct.

2 MR. O'BRIEN: Right. Okay. Why don't we

3 take just a short break. I just have a few

4 follow-ups, I think.

5 MR. FISCHER: Okay. Great.

6 (A short break was taken.)

7 BY MR. O'BRIEN:

8 Q. Okay. Back on. Just a few remaining questions,

9 Mr. Record. So, if I understand correctly, the only

10 reports of the harassment and discrimination that

11 you believe you suffered, you made the first two

12 reports to Jeff Howard and Ashley Campo in April of

13 2017; is that correct?

14 A. Correct.

15 Q. Okay. And then after you tendered your resignation

16 on August 25th of 2017, you reported to Ashley

17 Campo -- or in the course of a discussion with

18 Ashley Campo, you identified the sexual harassment

19 and inappropriate management behavior that you

20 attributed to Bruce Grover as having occurred in

21 August of 2017?

22 A. Correct.

23 Q. Okay. And between -- and you've described for us

24 all of the alleged harassing conduct which occurred

25 between February and April of 2017, which are

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1 referenced in paragraph 6A, B and C of Exhibit 8?

2 MR. FISCHER: I'll object to the form, but

3 you can answer the question.

4 A. I'm sorry, could you say that again?

5 BY MR. O'BRIEN:

6 Q. Sure.

7 A. I'm sorry, I didn't have this.

8 Q. Oh, no problem. Take your time. So if I understand

9 correctly, you've described for us today all of the

10 alleged sexual harassment that occurred between

11 February of 2017 and your report to Mr. Howard and

12 Ms. Campo in April 2017, and it's all premised upon

13 what's described in paragraph 6A, B and C of Exhibit

14 Number 8?

15 A. Correct.

16 Q. All right. And there's no other alleged sexual

17 harassment during that time period that took place?

18 A. Correct.

19 Q. Okay. And then, as I understand it, there was no

20 harassing conduct until August of 2017?

21 A. Correct.

22 Q. All right. And in August of 2017, there was both

23 harassing conduct and inappropriate managerial

24 behavior exhibited by Mr. Grover, which is reflected

25 in paragraphs 6D and 6E of the Exhibit Number 8?

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<p style="text-align: right;">Page 118</p> <p>1 A. Correct.</p> <p>2 MR. FISCHER: Objection to the form of the</p> <p>3 question.</p> <p>4 BY MR. O'BRIEN:</p> <p>5 Q. And other than that, and the other instances that</p> <p>6 you've described in the August 31st e-mail that you</p> <p>7 provided to Ms. Campo, you've told us all of the</p> <p>8 alleged harassing -- alleged harassing and</p> <p>9 discriminatory or retaliatory behavior that took</p> <p>10 place in August of 2017?</p> <p>11 A. Could you rephrase that?</p> <p>12 Q. Sure. Paragraphs 6D and 6E contains -- sets forth</p> <p>13 incidents of alleged harassing behavior that took</p> <p>14 place in August of 2017; is that correct?</p> <p>15 A. Correct.</p> <p>16 Q. All right. And then in addition to what's</p> <p>17 referenced there, you've described for us in your</p> <p>18 e-mail to Ashley Campo dated August 31st of 2017,</p> <p>19 you incorporated those incidents and you also</p> <p>20 described some additional incidents, including</p> <p>21 absurd management behavior that you attributed to</p> <p>22 Mr. Grover in August of 2017; is that correct?</p> <p>23 A. Correct.</p> <p>24 Q. All right. And other than what you've described for</p> <p>25 us with respect to those two sources, you've shared</p>	<p style="text-align: right;">Page 120</p> <p>1 conduct that emerged in August of 2017 that</p> <p>2 precipitated your departure?</p> <p>3 A. That we --</p> <p>4 MR. FISCHER: Objection to form.</p> <p>5 BY MR. O'BRIEN:</p> <p>6 Q. You can go ahead and answer.</p> <p>7 A. That re-emerged.</p> <p>8 Q. Right.</p> <p>9 A. Right.</p> <p>10 Q. So you left so that -- thank you for that</p> <p>11 clarification. So you left Hannaford in August of</p> <p>12 2017 because there had been some conduct by</p> <p>13 Mr. Grover between February and March of 2017, and</p> <p>14 then when it re-emerged and there were additional</p> <p>15 different issues with Mr. Grover in August of 2017,</p> <p>16 you chose to leave because of that re-emergence?</p> <p>17 A. Correct.</p> <p>18 MR. O'BRIEN: Okay. Subject to additional</p> <p>19 notes being produced by Dr. Wagner --</p> <p>20 MR. FISCHER: Yes.</p> <p>21 MR. O'BRIEN: -- I'd just, you know, like to</p> <p>22 reserve keeping this deposition open subject to</p> <p>23 that.</p> <p>24 MR. FISCHER: Absolutely.</p> <p>25 MR. O'BRIEN: Yes. Under that I have no</p>
<p style="text-align: right;">Page 119</p> <p>1 with us today all of the alleged harassing behavior,</p> <p>2 including all of the alleged discriminatory behavior</p> <p>3 and all of the alleged retaliatory behavior that</p> <p>4 took place in August of 2017?</p> <p>5 MR. FISCHER: Objection to form. You can</p> <p>6 answer.</p> <p>7 A. Correct.</p> <p>8 BY MR. O'BRIEN:</p> <p>9 Q. All right. Okay. And if I understand correctly,</p> <p>10 solely based on the conduct which occurred in August</p> <p>11 of 2017 that led you to decide that you could no</p> <p>12 longer continue to work at Hannaford and you had to</p> <p>13 seek employment elsewhere?</p> <p>14 MR. FISCHER: Objection to form.</p> <p>15 A. Could you rephrase that?</p> <p>16 BY MR. O'BRIEN:</p> <p>17 Q. As far as your decision -- the question revolves</p> <p>18 around your decision to leave Hannaford, and if I</p> <p>19 understand correctly, because of the conduct that</p> <p>20 Mr. Grover perpetrated upon you in August of 2017,</p> <p>21 is it fair to say that you concluded that you could</p> <p>22 no longer work at Hannaford because of that conduct</p> <p>23 and that you had no choice but to leave?</p> <p>24 A. Because of Bruce Grover, yes.</p> <p>25 Q. Right. Okay. And, in particular, it was the</p>	<p style="text-align: right;">Page 121</p> <p>1 questions right now.</p> <p>2 MR. FISCHER: I just have two points that I</p> <p>3 want to address briefly.</p> <p>4 EXAMINATION BY MR. FISCHER:</p> <p>5 Q. Do you recall receiving a coaching memo that</p> <p>6 characterized you as placing your hand on another</p> <p>7 employee's chest?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. What was the gender of that other employee?</p> <p>10 A. Female.</p> <p>11 Q. Do you recall making contact with that other</p> <p>12 employee's body?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Would you agree with the characterization of</p> <p>15 that contact as being made with the other employee's</p> <p>16 breast?</p> <p>17 A. No.</p> <p>18 Q. How would you characterize that contact?</p> <p>19 A. Tapping her collarbone.</p> <p>20 Q. Okay. Did you have a PCP in 2017?</p> <p>21 A. No.</p> <p>22 Q. Did you have a PCP in 2018?</p> <p>23 A. No.</p> <p>24 Q. Are you currently seeing any physician?</p> <p>25 A. Not a physician.</p>

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1 Q. Okay. Did you recently have a doctor's appointment?
2 A. Yes, with a nurse practitioner.
3 Q. Okay. Approximately when did that appointment take
4 place?
5 A. September 16.
6 Q. So, today, coming to this deposition, you and I
7 drove up together, correct?
8 A. Yes.
9 Q. Okay. Now, is there any reason that we -- that you
10 did not drive up by yourself?
11 A. I get anxious driving long distances.
12 Q. Okay. And how long has that been going on?
13 A. About 10 years.
14 MR. FISCHER: Okay. That's it.
15 MR. O'BRIEN: Okay. I have no further
16 questions. Thank you.
17 (The deposition was concluded at 2:12 P.M.)
18
19
20
21
22
23
24
25

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1 SIGNATURE PAGE
2 TO BE COMPLETED BY DEPONENT:
3 I, _____, have read the
4 foregoing pages of my testimony or have had the foregoing
5 pages of my testimony read to me and have noted any changes
6 in form or substance of my testimony together with their
7 respective corrections and the reasons therefor, on the
8 following ____ Errata Sheet(s).
9 (Signature) _____
10 (Date) _____
11 _____
12 TO BE COMPLETED BY NOTARY PUBLIC OR ATTORNEY:
13 I, _____, a Notary
14 Public/Attorney in and for the State of Maine, hereby
15 acknowledge that the above-named deponent personally
16 appeared before me, swore to the truth of the foregoing
17 statements and affixed his/her signature above as his/her
18 own true act and deed.
19
20 (Signature) _____
21 (Date) _____
22
23 My Commission Expires: _____
24
25

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1 CERTIFICATE
2 I, Amy J. Linscott, RPR, a Notary Public in and
3 for the State of Maine, hereby certify that on October 03,
4 2019, the within-named deponent, TIMOTHY RECORD, was sworn
5 to testify to the truth, the whole truth, and nothing but
6 the truth, in the aforementioned cause of action.
7
8 I further certify that this deposition was
9 stenographically reported by me and later reduced to print
10 through Computer-Aided Transcription, and the foregoing is
11 a full and true record of the testimony given by the
12 deponent.
13
14 I further certify that I am a disinterested
15 person in the event or outcome of the above-named cause of
16 action.
17
18 IN WITNESS WHEREOF, I subscribe my hand and affix
19 my seal this date: October 11, 2019
20
21
22 _____
23 Amy J. Linscott, Notary Public
24
25 Dated at East Millinocket, Maine
My Commission Expires: May 14, 2020

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1 ERRATA SHEET FOR THE TRANSCRIPT OF:
2 TIMOTHY RECORD - 10/03/2019
3 Corrections:
4 Pg. Ln. Now Reads Should Read Reasons
5 _____
6 _____
7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____
20
21 _____
22 Signature of TIMOTHY RECORD
23
24 _____
25 Signature of Notary

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BOYCE & LEIGHTON
31 Guillemette Street
Sanford, Maine 04073
(207) 883-0378

October 15, 2019

CHRISTOPHER J. FISCHER, ESQ.

Boynton, Waldron, Doleac, Woodman & Scott

82 Court Street

Portsmouth, New Hampshire 03801

RE: RECORD V. HANNAFORD BROS. CO.

Enclosed please find your copy of the deposition of
TIMOTHY RECORD, taken in the above-mentioned action on
October 3, 2019. Also enclosed is the original
signature page and a sheet for corrections.

Please have Mr. Record read your copy of the
deposition and sign the original signature page before
a Notary Public. If there are any corrections he
wishes to make, they should be made on the enclosed
correction sheet. Please do not mark on the deposition
transcript.

Please send a copy of the signed original signature
page and correction sheet to other counsel within 30
days.

Thank you.

Amy J. Linscott

Boyce & Leighton, LLC

cc: Timothy J. O'Brien, Esq.

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POLICIES

Respect in the Workplace – Harassment, Discrimination and Retaliation Prohibited

All Delhaize America, LLC Associates

Delhaize America seeks to provide its associates with a work environment that encourages efficient, productive and creative work. Delhaize America will not tolerate verbal or physical conduct by any associate (or other person) which illegally discriminates, harasses, disrupts or interferes with the work performance of an associate or which creates an intimidating, offensive or hostile work environment.

Delhaize America prohibits all illegal discrimination, including harassment of any associate in the workplace, for any illegal discriminatory reason, such as age, gender identity or expression, race, national origin, physical abilities, religious beliefs, sexual orientation and other characteristics or categories protected by law. Harassment can take many forms and includes behavior that annoys, offends, threatens, disturbs others or which creates an unpleasant or hostile environment. Such behavior can be either verbal or physical. Examples of harassment may include, among other things, bullying, humiliating, taunting, disparaging, degrading, provoking or making inappropriate references to others.

Sexual harassment is among the types of discrimination and harassment prohibited by this Anti-Harassment/Anti-Discrimination Policy. Sexual harassment includes unwelcome sexual advances and requests for sexual favors. Other unwelcome conduct which may constitute harassment includes, but is not limited to, the following:

- a) **Verbal:** repeated sexual innuendo's, sexual epithets, derogatory slurs, off-color jokes, propositions threats or suggestive or insulting sounds;

- b) **Visual/Non-Verbal:** derogatory posters, cartoons or drawings; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;
- c) **Physical:** unwanted physical contact, including touching, interference with an individual's normal work movement or assault; and

Other: making or threatening reprisals as a result of a response to discrimination including harassment.

Such verbal and physical conduct may constitute harassment when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

NOTE: ALL ASSOCIATES, SUPERVISORY OR NON-SUPERVISORY, ARE PROHIBITED FROM ENGAGING IN THE ABOVE-DESCRIBED CONDUCT.

January 1, 2011



EXHIBIT

tabbles

Record #1
10/3/19

POLICIES

Delhaize America strongly discourages consenting romantic or sexual relationships between members of the organization when one person has a direct/indirect reporting relationship to the other. The trust and respect which associates have for supervisors and managers can make it difficult for them to comfortably reject sexual advances; associates may even feel flattered by the attention. But managers have the power to give or withhold rewards such as praise, raises and recommendations, which can mean that their romantic or sexual relationship with an associate may not be truly consensual.

If a manager (supervisor) becomes romantically or sexually involved with a subordinate, that manager (supervisor) must discuss the situation immediately with management so that appropriate arrangements can be made to remove him or her from any decisions affecting the subordinate as soon as possible. Which may include transferring the member of management to another department.

Procedure for Reporting Harassment and/or Discrimination

When an associate feels he or she is being harassed or discriminated against in any fashion, he or she must report the incident promptly. There are several ways to report harassment or discrimination:

- a) Notify any of the following individuals:
 - a member of management;
 - the Associate Relations representative for his/her store or district or
 - the Director or Vice President of Associate Relations for his/her region .
- b) Alternatively, associates may report any concerns or possible violations of this or any other policy by calling I-Share (1-855 5 ISHARE).

Managers, who see, suspect or receive complaints or become aware of harassment or discrimination must inform the Associate Relations representative for his/her store , district or department immediately.

Once an allegation of harassment or discrimination is brought to the attention of one of the individuals noted above, or made through the I-Share tools, a fact-finding investigation will be launched promptly. If necessary, intermediate measures may be taken before completing the investigation to ensure that further discrimination, including harassment, does not occur. Delhaize America will protect the confidentiality of the allegations to the extent possible when dealing with and investigating such charges; only individuals directly involved in an investigation and those having a legitimate "need to know" will be informed of the existence or facts of an investigation, except to the extent required by law.

Any associate who is found, after appropriate investigation, to have engaged in illegal discrimination, including harassment of any kind toward another associate, a customer or a supplier to Delhaize America will be subject to appropriate disciplinary action, up to and including termination of employment. Delhaize America will also consider taking any such action as may be appropriate against any non-associate engaging in the illegal discrimination, including harassment of an associate.

Anti-Retaliation

Delhaize America will not take any action in retaliation against any associate who, in good faith and with a genuine belief that he/she has been discriminated against or harassed, brings or voices a complaint pursuant to this policy. In addition, Delhaize America will not tolerate any retaliatory acts by other individuals. Retaliation is a serious violation of the company's policy and the law, and should be reported immediately. Any persons found to have retaliated against a Delhaize America associate because such associate (1) made a good faith discrimination complaint, (2) participated honestly and in good faith in any investigation into a discrimination complaint, and/or (3) opposed acts of illegal discrimination in the workplace, will be subject to discipline, up to and including termination.

Individuals who knowingly bring false charges of discrimination, including harassment, against another Delhaize America associate or other individual shall be subject to discipline, up to and including termination.

January 1, 2011





201 - Diversity and Inclusion

Policy Title: #201 - Diversity and Inclusion

Applicable To: Entire Hannaford Organization

Policy Statement:

At Hannaford we are committed to diversity and inclusion in the workplace. Our culture thrives on mutual respect, teamwork and productivity in the workplace among people who are diverse in work background, experience, education, age, gender, race, national origin, physical abilities, religious belief, sexual orientation and other real and perceived differences.

We believe that diversity and inclusion create a distinct competitive advantage and can produce a more innovative and responsive organization. We also recognize our responsibility to the communities we serve and the value of a diverse workforce in those communities where we live and do business.

We are committed to a culture where differences are accepted, valued and used to enhance the business and support the organization's objectives. Differences become a source of strength and creativity for the business. Inclusion means creating an environment that welcomes all who can do the job and that seeks to eliminate any tendency of bias or stereotype. A diverse, highly participatory culture provides a competitive advantage and is a prerequisite for the high performance organization our future requires.

Accordingly, Hannaford provides equal opportunity in employment to all associates and applicants for employment. No person shall be discriminated against in employment because of his or her race, religion, color, sex, age, veteran status, national origin, sexual orientation, gender identity and gender expression or on the basis of his or her disability. Hannaford does, however, reserve the right to consider and make hiring and continued employment decisions on the basis of any bona fide occupational qualification. Further, any associate who is found, after appropriate investigation, to have engaged in discriminatory behavior of any kind with another associate, a customer or a supplier to Hannaford Bros. Co. will be subject to appropriate disciplinary action, up to and including termination of employment.

For more information please send an email to PolicyCommittee@hannaford.com

Hannaford Intranet

Page 1 of 1

Your Total Rewards@Work

POLICIES

Delhaize America Equal Opportunity

Applicable To: All Delhaize America Associates

Original Policy Date: October 2, 2006

The Company provides equal employment opportunity without regard to sex (e.g., gender, pregnancy, childbirth or related medical conditions), race, religion, color, national origin, ancestry, age, physical or mental disability, sexual orientation, gender identity, family care leave status, veteran status or any other basis protected by federal, state or local law. In addition, we are committed to fair and equitable treatment of each and every associate and strive to promote diversity within our workforce, recognizing that our continued growth and business success depends on the development and utilization of the full range of the Company's human resources.

We assure that all applicants for employment and all associates are given equal consideration based solely on job-related factors, such as qualifications, experience, performance, and availability. Such equal consideration applies to all employment actions. As an integral part of our Employment Opportunity Policy, the Company maintains a working environment free of all forms of unlawful harassment, including sexual harassment, by anyone having contact with associates - including customers and suppliers. For additional information on the Company's policy against harassment, discrimination and retaliation, see the Company's separate policy on "Respect in the Workplace."

Associates are expected to act in strict conformity with this policy and to recognize that the effective application of equal opportunity in employment must involve more than a nondiscriminatory policy statement. It is, and must forever continue to be, our culture.

Special Note: Management must promptly notify Associate Relations of any concern or complaint by applicants for employment, associates or customers relating to this policy.

DELHAIZE AMERICA**hannaford**
FOOD**PRODUCE**

I SHARE

I SHARE tools are toll-free, 24/7, multilingual and totally confidential

Integrity

is about being honest with ourselves, our colleagues, suppliers, customers, and communities. Courage is about doing the right thing even when it's not easy. Delhaize America's I SHARE program provides tools that make it easier for you to speak up at any moment if you see something in conflict with integrity.

Delhaize America is committed to "the right way, every day,"™ which includes complying with all laws and regulations that apply to our business. Failing to follow the law can result in substantial harm to our reputation and may even lead to civil or criminal penalties. Your courage to share protects us from such risks.

Each and every Delhaize America associate has a responsibility to protect the reputation and success of our Company by reporting any suspected unethical or illegal activity. The way you protect us all from such risks is by speaking up as soon as you become aware of any breach of law or company policy. It's our corporate responsibility to provide a safe way for you to do so and to keep your concerns confidential while we listen to, and take action on, your input.



I SHARE is sponsored by the Delhaize Group Office of Compliance and Ethics. You can view or download Delhaize Group's Guide for Ethical Business Conduct on your local intranet or at www.delhaizegroup.com.

People resources:

Self-service resources:

DELHAIZE AMERICA

bloom

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I SHARE – Frequently Asked Questions

How do I report a concern or ask a question?

You have many options:

1. Discuss with your direct supervisor
2. Discuss with your local Human Resources, Legal or Compliance representative
3. Access the I SHARE network as follows:
 - a. toll-free 24/7 by phone: 1-855-5-I SHARE (47-4273)
 - b. on the web 24/7 at: www.EthicsPoint.com
 - c. through the Delhaize America intranet or your specific banner's intranet pages
4. Contact Delhaize Group's Office of Compliance and Ethics:
 - a. by phone: 011 32 2 412 86 59
 - b. by secure fax: 011 32 2 412 83 89
 - c. by email: compliance@delhaizegroup.com

Each of these reporting methods is secure, enabling anonymity of the reporter and confidentiality of the report.

Where can I get a copy of the Guide for Ethical Business Conduct?

The full Guide – available in French, English, Dutch, Greek, Romanian or Bahasa Indonesian – can be viewed or downloaded on the web at www.delhaizegroup.com.

Can I report anonymously?

Yes, associates may choose to remain anonymous, and the information they report will be kept confidential. However, we would encourage associates to identify themselves when reporting their concerns.

What if I fear retaliation?

The company will not retaliate against anyone who, in good faith, properly reports a possible violation of law or company policy. Nor will the Company tolerate harassment or intimidation of any associate who reports a suspected violation or participates in an investigation of a suspected violation. Good faith does not mean you have to be right, but it does mean you are providing all of the information you have and that you believe to be true.

What happens when I make a report?

Reports are entered directly on the secure EthicsPoint system to ensure confidentiality. EthicsPoint makes these reports available only to specific individuals within the company who are responsible for investigating and resolving each report. Each of these report recipients are trained in keeping these reports confidential and are committed to ensure reports are not inadvertently shared with implicated parties, their peers or subordinates.

After reporting a concern through I SHARE, you will be assigned a report ID and password. When you make a report, you will be asked to log in or call back within three to five business days to provide any additional information that may be needed from you during the investigation process. In this secure environment, you can provide answers to requests for more details or track progress. Your reports of unethical or illegal behaviors (which can be reported in a variety of languages) will be fully investigated and appropriate action will be taken.





What types of situations or concerns should I report?

If you become aware of a situation that may involve a violation of the Guide for Ethical Business Conduct or any other internal or external law, regulation or policy, or if you are asked or instructed by management or your supervisor to do something that violates any law, regulation, company policy or the Guide, you have a duty to your colleagues and the Company to properly report the potential violation.

A sample of concerns you might report through I SHARE are:

- Accounting, auditing and financial reporting concerns
- Workplace environment concerns, including harassment, discrimination, off the clock hours, retaliation, or reports of threats and violence
- Dishonesty, such as retail grazing, improper cash handling, product sliding, and underage alcohol or tobacco sales
- Improper use or theft of corporate assets or information
- Inappropriate relationships with government agencies, vendors or business organizations
- Acceptance or giving of improper gifts, services or other benefits
- Other violations of laws, regulations or company policies



Your Total Rewards@Work

POLICIES

Open Door and Appeal

All Delhaize America, LLC Associates

Across Delhaize America, it is our mission to provide a positive work environment that contributes to job satisfaction and responsiveness to associate concerns. We wish to maintain open, effective communication among associates and to ensure that all associates are provided with fair and thoughtful treatment. The open door and appeal policy is designed to provide you with a process for discussion of job or work related issues in a confidential and productive manner. We believe that early discussion with the person closest to the issue is always the best place to seek understanding and to work towards a mutually beneficial outcome. The policy is designed to promote solutions to individual associates' problems. The policy is not intended to challenge or change established policies, procedures, or rules of pay.

You are encouraged to discuss any concerns, comments, questions or suggestions you may have with your immediate supervisor as soon as such an issue arises. We also welcome you, when necessary or appropriate, to progress through your area's line of supervision up to the functional Vice President.

In situations where you feel uncomfortable or unable to discuss an issue with your direct supervisor or within your line of supervision, you may choose to discuss your issue with any member of the Human Resources Department and/or any manager of Delhaize America. You will be treated fairly, your issue will be addressed in a timely manner and your right to take advantage of this policy will be protected. If progression through this process does not satisfactorily address your concerns, comments, questions, or suggestions you may decide to proceed to a more formal appeal process through which your issues can be stated, thoroughly explored, and fairly and efficiently addressed. Not all issues are eligible for the appeal process. Your supervisor and/or your Human Resources representative will assist you in understanding and implementing the required steps in a formal appeal process.

The Appeal Process will result in:

1. Affirm your management's decision, or
2. Overrule your management's decision, or
3. Recommend an alternative course of action.

Step A: If you have been unable to resolve your concerns with your manager or others closest to the issue you may enter into the appeal process by submitting your concern in writing to the Director of Operations or Functional equivalent in your department within twenty-one (21) calendar days of your first discussion. This level of management will thoroughly investigate your concerns and make every effort to resolve the issue at their level.

We will render a decision within the twenty-one (21) calendar days of receipt of your letter unless unforeseen circumstances arise. In the case of unforeseen circumstances, you will be notified of when you can expect to hear the outcome of the investigation of your appeal. If your concern has resulted in the termination of your employment, your demotion, or reduction in your base pay and you do not receive an answer that you feel is fair and equitable, then you may proceed to Step B.

Step B: Submit your concern in writing to the level of management above the level to which you submitted your concern in Step A within twenty-one (21) calendar days of your receipt of the Step A decision. Usually the appropriate level of management to whom to submit your concern is the regional Vice President of Retail Operations or Functional Vice President (as applicable).

The Functional Vice President, along with the Director of Human Resources or their designee, will carefully review your concern and will respond to you in writing within twenty-one (21) calendar days of the receipt of the response to your concern.

The Vice President or designee's decision to affirm or overrule your management's decision is final.

The Open Door and Appeal Policy provides a useful tool for the resolution of individual associate concerns. Delhaize America encourages associates to utilize the policy when necessary.









Golden Harvest
TALK IN
PARKING LOT

Golden Harvest
6/18/17
7/14/17

McKinnons
meeting
7/25/17
JARED + PATRICK

SEPTEMBER
29th 2017 FR
DAY AT MCKINNON

RE



GOLDEN HARVEST EMPLOYEE POLICY

1. Arrive at scheduled time.
2. Zero tolerance for theft of any kind. *Immediate termination*
3. Come to work with good attitude.
4. Use caution and be courteous to other drivers on the road. You represent The Golden Harvest in our vehicles.
5. No smoking in trucks.
6. No profanity.
7. No personal phone calls unless emergency.
8. No Cell Phones to be ON or to be used at work.
9. *No smoking except on designated break.*
10. Review employee handbook for additional rules and guidelines.

Employee

Date

Witness

Date

RECORD

EXHIBIT

tabbies

Record #3
10/3/19

9/13/17

Re: Tim Record

Started to train
Tim on register today.
After 2 hours he
told me he was
overwhelmed and that
he not be put back
on. I told him that
that was one of the things
he was hired for and
that he would need to learn
it.

-Steve Hollar - Golden Thread

RECORD <<001>>

9/15/17

Re: Tim Reeside

While going through Tim's
dry line setup this morning
I found a ton of rotten
peppers on the stand. I
spoke w/ him and told
him he needs to be aware
of the quality of product
he's putting up. I also
brought to his attention
that I've already been
over this with him and
needs to pay closer attention

- Steven Hella - Golden Harvest

RECORD <<001>>



MCKINNON'S MARKETS

McKinnon Bros., Inc. • • •
McKinnon's Butcher Shop-North, Inc.
McKinnon's Marketplace, LLC
McKinnon's Southgate LLC
73 Holten St.
Danvers, MA 01923
Telephone (978) 774-0479 Fax (978) 750-8496
Email: info@mckinnonmarkets.com

August 31, 2017

TO: ALL EMPLOYEES

FROM: Management

RE: McKinnon's Company Policies

This notice is being issued as a reminder to rules regarding employee shopping:

1. All shopping is to be done after your shift is over and you are off the clock (afternoon shift shopping is to be done at least 15 minutes before registers shut down).
2. Beverages and food purchases made for breaks must have the receipt attached.
3. Employees are not allowed to ring through family members or personal friends. Under no circumstances should any employee ring themselves through for a purchase.
4. Please advise all family members or personal friends to use another lane if shopping during your shift.
5. No employee shall price their own merchandise or price merchandise for family or friends.

Please sign below that you have read and understand these store policies.

Any employee that violates these rules will be terminated - no exceptions.

I have read and understand McKinnon's Shopping Policies

Signed: _____

Date: _____

Print Name: _____

Witness: _____

RECORD <



McKinnon's Markets

New Hire Rate of Pay

Employee name: Timothy G. Record

Date: 9/29/2017

Rate of pay \$ 16.00

Pay period is Bi-weekly

Payday is Friday

Benefits offered: N/A

Timothy G. Record
Signature of employee (THIS FORM MUST BE SECURED IN ENVELOPE AFTER SIGNING)

Changes in Rate of Pay

Date: _____

Rate of pay \$ _____

Signature of employee

Changes in Rate of Pay

Date: _____

Rate of pay \$ _____

Signature of employee

RECORD <<001>>

Raise History

Change Date	Job Code	Old Rate	New Rate	Changed By	Comment
03/18/2018	Default Rate	16.00	18.50	SUPERVISOR	Promoted to FT Asst Manager + \$2.50 raise.

TIMOTHY G. RECORD

TM

Record of Conversation

On Thursday July 28, 2011 Ashley Shaw sat with Tim Record to review mytask. Tim has already been trained on mytask but is struggling to complete tasks on time. Tim and I reviewed how to close out the HOOD VMI Order Summary and I went over the expectation that this task should be fully completed daily.

Tim and I also reviewed looking at tasks ahead of time so the Store Manager and ASM can close out the task in a timely manner. Currently Tim is primarily looking at tasks on the day that it is due. If Tim does not get a chance to close out the task ahead of time then he needs to fully complete the task once his portion is closed out if the task is due that day. The expectation is that Tim has an understanding of mytask and can complete tasks in a timely manner.

Ashley Shaw



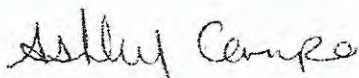
Record of Conversation

On Monday November 21, 2011 Ashley Campo sat down with Timothy Record to review some of the expectations of being an EOM manager.

I talked to Tim about making sure he is carrying himself in a professional manner so that associates and managers will respect him and know that he is in charge when he is in the building.. Tim needs to understand that he is the third in charge in the store and that managers are not taking him seriously.

Tim needs to make sure he is passing on any concerning communication that comes up in the departments at night to the department manager in a timely manner. Included in this Tim needs to direct associates to talk to the department managers if he is hearing about problems or concerns that are long term. Tim then needs to give the department managers a heads up about the conversation and then follow up to make sure the conversations happens instead of Tim taking on the problem or issue himself.

If Tim does not show improvement in these areas it may result in an action plan.



Ashley Campo

Record of Conversation

On Wednesday November 23, 2011 Tim Record and Ashley Campo sat down to discuss some of Tim's concerns with how he is performing as an EOM.

I explained to Tim that he needs to pay more attention to his surroundings when he is in the building. An example that I gave Tim is that he was unaware of find a feast boxes that were located in the back of the store for at least four days. Tim walks the store daily and should have noticed the boxes.

Tim and I talked about what times he should be productive in the store and what times he should be managing. (In a normal situation) Tim should be running the store after the last MOD during the day leaves. Tim needs to separate himself from always helping the center store clerks stock after 5pm because he is missing opportunities with key items throughout the store.

Tim needs to be confident in the decisions he makes while working. Tim does not always need to seek approval before making an educated decision. He needs to learn to work independently and to be able to identify what needs to get done when he comes in for the day as well as put a plan in place to get those opportunity areas taken care of in a timely manner.

If Tim does not show improvement in these opportunity areas this may result in an action plan.


Ashley Campo

DELHAIZE AMERICA

Coaching Memo

8319

To: Tim Record

Date: 1/15/15

Subject: Respect in the Workplace, physical contact

Message

On 1/13/15 Tim engaged in a conversation with the other AMOCS in the till room, that became escalated.

At some point during this encounter, Tim placed his hand on the AMOCS's chest.

Tim needs to understand that at no point is it appropriate for the workplace to place your hands on another associate, regardless of the manner. Tim is being given the Respect in the Workplace policy to review.

In the future, if Tim is in a situation where a conversation is not professional and under control, he is to remove himself from the situation and ask for assistance from a 3rd party to finish addressing the situation.

Appropriate 3rd parties are his direct supervisor, ARM, EOM, ASM or SM

Future violations of company policy, standard practice or unacceptable behavior in the workplace, will result in further performance counseling up to and including termination.



Coaching Memo

Signed:

[Signature]

Location/Dept:

front End
Assistant MOCs.

Response

DELHAIZE AMERICA

Coaching Memo

Signed: 

Date: 1/21/15

DELHAIZE AMERICA

Coaching Memo

To: Tim Record

Date: 1/25/15

Subject: Performance in Assistant Manager Role

Message

Tim is not meeting all of the expectations of leading the Front End and taking opportunities to coach associates and build relationships. This is causing frustration and confusion among Front End associates.

Tim needs to foster a positive and inclusive environment to all Front End associates. Tim needs to be aware

of the perception of favoritism and needs to take opportunities to build relationships with all associates.

Part of the Asst. Manager role is also to provide recognition of accomplishments and offer constructive counseling necessary to all Front End associates.

When Tim is on the sales floor, he needs to use good judgement in the delegation, assignment, and follow-up required for the efficient performance of the department. Tim also needs to maintain solid communication in the department. He needs to be service leading, despite what the breaksheet says, every day he is on the sales floor. When the other Asst. Manager is also on the sales floor, they will work together to maintain efficiency

in the Front End.

DELHAIZE AMERICA

Coaching Memo

Signed:

[Handwritten signature]

Location/Dept:

#8319 | FE

Response

DELHAIZE AMERICA

Coaching Memo

Signed:

Shirley Boston

Date:

1/29/15

DELHAIZE AMERICA

Coaching Memo

To: Tim Record

Date 02/25/15

Subject Not Meeting Expectations

Message

Tim failed to meet expectations set by the Manager of Customer Service. On February 5, 2015, an e-mail was sent to Tim which noted all of the tasks he and the other AMCS needed to complete. These tasks included handing back vacation planners to associates, training associates on the new fresh bags, checking Task Management daily and completing tasks when appropriate, having all associates complete their portion of the yearly review, and keeping up with documentations as necessary and giving them to associates in a timely manner. None of these tasks were completed in the two-and-a-half week timeframe Tim and the other AMCS had to complete them. This is unacceptable behavior by the Assistant Manager of Customer Service.

Also, the Customer Service department reported over 31 hours of hours over goal for week ending February 21, 2015. The acceptable amount of hours over goal is zero. Furthermore, Tim failed to notify either the Store Manager or the Assistant Store Manager about the amount of hours over goal the department was incurring throughout the week.

Tim needs to take both initiative and ownership in his role. If he has a questions about how to complete a task, he needs to ask for help. He needs to complete all tasks assigned to him in a timely manner

DELHAIZE AMERICA

Coaching Memo

Signed:

Michael J. Barker

Location/Dept:

AMCS

Response

and make sure the department is not reporting hours over goal, along with the other AMCS.

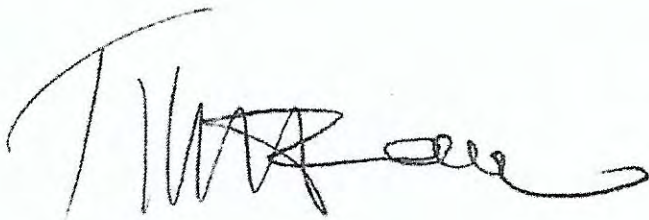
If Tim fail to meet these expectations, further performance counseling, up to and including termination, will occur.

DELHAIZE AMERICA

Coaching Memo

Signed:

Date:





Retail Performance Appraisal Hourly Position

Associate Name: Timothy Record Employee #: 1203057
 Position: Asst Manager of Customer Service TRANSFERRED from POS 5-10-14 to 12-31-14 Store #: 8317
 Associate's Signature: [Signature] Date: 9/2/15
 Dept. Manager's Signature: [Signature] Date: 4/2/15
 Manager's Signature: _____ Date: _____

General Instructions

When the 90-day review has been completed, or after the annual review process, the associate and manager should complete the plans section of the Roles and Goals Form (Section I). The associate must receive a copy. At the time of the annual review, the results section of the Roles and Goals Form (Section I) must be completed. The rating and comment sections of the Skills Review Form (Section II) must be completed also by utilizing *The Five Levels of Differentiating Performance Form - RHR 135*. The ratings are listed below:

- Does Not Meet Expectations
- Partially Meets Expectations
- Meets All Expectations
- Exceeds Expectations
- Far Exceeds Expectations

The manager must fill in the rating and comment sections, while the associate must fill in the comment section. The associate should receive scheduled time to review the appraisal forms prior to meeting with the manager. The review should take place in a location that will ensure uninterrupted privacy. Ample time should be allowed for the appraisal session. Both the manager and the associate should come prepared. The overall rating (Section IV) should be completed by the manager, taking into consideration the information discussed during the review and approval by the Store Manager. Upon completion of the appraisal session, both manager and associate should sign and date the form. A signed copy should be provided to the associate.

The completed and signed appraisal form must be forwarded to the Associate Relations Manager.



Associate Name: _____

Employee #: _____

Store #: _____

Date: _____

Hannaford**Assistant Department Manager/Service Leader/Supervisor Insert**

Instructions: At appraisal time, the assistant department manager/service leader/supervisor and the manager should complete this insert together as part of the retail hourly performance appraisal.

Operational/Leadership	Does Not Meet	Partially Meets	Meets All	Exceeds	Far Exceeds	Associate Comments:	Manager Comments:
Responsive to the needs of associates. Is approachable and maintains a stimulating, cooperative environment.		✓				Associate is approachable and maintains a stimulating, cooperative environment.	
Listens well and encourages good two-way communication.			✓			Associate listens well and encourages good two-way communication.	
Trains associates effectively and encourages the development of others.		✓				Associate trains associates effectively and encourages the development of others.	
Completes all objectives and assigned tasks within specified time frames.		✓				Associate completes all objectives and assigned tasks within specified time frames.	
Organizes work for self and others to maintain and enhance work efficiency.			✓			Associate organizes work for self and others to maintain and enhance work efficiency.	
Delegates and motivates associates effectively.		✓				Associate delegates and motivates associates effectively.	
Follows through on delegated tasks.			✓			Associate follows through on delegated tasks.	
Adheres to Management Planning Program.		✓				Associate adheres to Management Planning Program.	
Respects and follows company policies on discipline.			✓			Associate respects and follows company policies on discipline.	
Overall Comments:							

Tim has great customer service skills. He gives his complete attention to the customer during the entirety of their contact and always greets them with a smile. He also thanks the customer at the end of their transaction. Tim responds quickly and pleasantly to any customer requests and always does his best to make sure their needs are satisfied. Tim is very funny and outgoing and uses these great traits to win customers. Tim is open to suggestions and often shares his own suggestions to improve the way we work. Tim needs to remember to always host when he has no customers and to ask all of the required customer service questions, especially as he serves as a role model in the department.

Tim is courteous, friendly, and helpful to fellow associates both at work and during their shopping experience. However, Tim needs to remember to keep all of the relationships he has formed here professional. The perception of his favoritism has caused unnecessary drama in the department. Tim needs to form relationships with all associates and treat everyone fairly and consistently.

Tim achieves all established quality work standards. He uses proper ergonomic motions. He bags items appropriately and efficiently. When outside in the parking lot, Tim uses the tether and collects carriages according to standard practice. One of Tim's opportunities, however, is to remember to ask every customer coming through a regular lane with at least one carriage if they would like help outside. Tim doesn't quite achieve all established quantity work standards. His RPMs are 19 and 13. Our standards for RPMs are 25 and 16.

Tim follows all company policies, procedures, and practices and he is responsive to quickly changing demands. He reports to work as scheduled, follows break and lunch policies, and his absences have valid explanations. Tim always presents a clean and neat appearance in accordance with the company Personal Appearance policy.

As a Customer Service Leader, Tim tries his best to be responsive to the needs of associates, but doesn't always hit that mark. Some associates don't consider Tim approachable. He has struggled with maintaining a stimulating and cooperative environment. Tim is an excellent communicator and listens well. Tim needs to remember to always coach in the moment, whether it is about a positive or negative behavior, to ensure all associates are giving excellent customer service. Tim has struggled to complete all assigned tasks within the specified time frame. However, he is organized on the sales floor and organizes his work for himself and others. Tim needs to remember to delegate tasks to other associates. As a Customer Service Leader, Tim needs to be the last person to open on a register. This is because he needs to be leading the sales floor at all times when he is scheduled. When Tim delegates, he is good about following up on those tasks. Tim has struggled with adhering to Management Planning Program. He needs to add or cut help when appropriate in order to avoid hours over goal and run at 100% efficiency. Tim respects and follows company policies on discipline.

Overall, Tim meets all expectations. He is a consistent worker with great customer service skills, though improvement is still needed in several areas.

SECTION 1 Roles and Goals - Hourly Associate

Associate Name: _____

Dept.: _____

Date: _____

A. Role Clarification and Review: Review your job description to clarify role and responsibilities. Identify skill development necessary to continue to develop within your current position.

B. Goals: Identify one to three goals to be accomplished in present position. One goal must be a Behavioral Goal (i.e. Be There, Make It Easy, Add Something To Their Day, Be The Difference). Specify action steps and time frame.

Plans

Plans	Results
Goal and Action Step: <u>Be There</u>	
Measurement: <u>ALL MD TRAVEL</u>	
Time Frame: <u>10/1/2020 - 12/31/2020</u>	
<u>Be There</u>	

Goal and Action Step: _____	
Measurement: _____	
Time Frame: _____	

Goal and Action Step: _____	
Measurement: _____	
Time Frame: _____	

SECTION Skills Review

Relationship/Customer Service Skills	Does Not Meet	Partially Meets	Meets All	Exceeds	Far Exceeds	Associate Comments	Manager Comments
Be There - Gives complete attention to the customer and greets the customer with a smile. Stays focused on the customer during their contact. Thanks the customer with a smile.			✓			I have a smile on my face and I stay focused on the customer.	
Make It Easy - Responds quickly and pleasantly to any customer requests. Asks clear questions, identifies the customer's needs.			✓			I am always in a good mood and I am always helpful.	
Add Something To Their Day - Assures customer needs are satisfied. Takes advantage of opportunities to win customers.			✓			I use to be better at my job and I am always in a good mood.	
Be The Difference - Shares ideas to improve the way we work.			✓			I have a good idea to make it easier for the customer to use the service.	
Teamwork							
Courteous, friendly and helpful to fellow associates both at work and during their shopping experience.			✓			I am always in a good mood and I am always helpful.	
Standard Operation Procedures							
Achieves established quality work standards.			✓			I have a good idea to make it easier for the customer to use the service.	
Achieves established quantity work standards.		✓				I have a good idea to make it easier for the customer to use the service.	
Follows all company policies, procedures and practices.			✓			I have a good idea to make it easier for the customer to use the service.	
Ability to be responsive to quickly changing demands.			✓			I have a good idea to make it easier for the customer to use the service.	
Reports to work as scheduled, follows break and lunch policy, absences have valid explanations.			✓			I have a good idea to make it easier for the customer to use the service.	
Always presents a clean and neat appearance in accordance with the company Personal Appearance Policy.							

SECTION III Performance Against Role Responsibilities and Goals:
(To be completed by manager)

Year-End Comments on Strengths and Opportunities

SECTION IV Year-End Overall Rating:
(Please circle overall rating)

- Does Not Meet Expectations
- Partially Meets Expectations
- Meets All Expectations
- Exceeds Expectations
- Far Exceeds Expectations

SECTION V Post-Review Comment

DELHAIZE AMERICA Performance Counseling Form

Associate Name: **Tim Record**

Associate ID:

Manager:

Associate Information

Date:

4/16/15

Job Title:

Assistant MCS

Store/Department:

8319 Customer Service**Reason for Counseling**☐ Job Performance☒ Personal Behavior☐ Serious Misconduct

Rule # and description if Behavioral or Gross Misconduct: Personal Behavior

Dates of Previous Counseling:

Type of CounselingStep 1:
☒ Verbal counselingStep 2:
☐ First counselingStep 3:
☐ Final counselingStep 4: Final Disciplinary Action
☐ Demotion ☐ Transfer ☐ DischargeStep 4 only: Date AR Contacted **4/13/15****Details**

Date of Incident: 4/13/15 Time of Incident :

Description of Incident: On April 13th it was brought to Tanya and my attention that there are a few associates on the front end that feel uncomfortable working with AMCS Tim Record. We were informed that these associates feel as though Tim has made comments and remarks that they feel to be unprofessional and have made them feel uncomfortable working with Tim. These associates have also stated that they feel that Tim invades their personal space by standing very close to them which sometimes results in Tim brushing up against these associates. Tim needs to understand that these behaviors are unprofessional and he needs to ensure he is conducting himself as a supervisor at all times.

Plan for Improvement:

Consequences of Further Infractions: Future violations of company policies will result in further disciplinary action up to and including termination.

Associate Statement: (if you disagree with the information contained in this form please give a detailed explanation)

Signatures:



DELHAIZE AMERICA
Performance Counseling Form

Refused to sign (17)
Associate Signature

Date

Asbury Compton
Manager Signature

4-16-15
Date

Cheryl Payne
Witness Signature (Only if associate refuses to sign, please note the refusal on the associate line.)

4-16-15
Date

Please distribute one copy to the associate and one copy to the Records Retention Dept.

I
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C
a
A


[Contact Us](#) [Travel & Expense](#)

[Home](#)
[Human Resources](#)
[Supply Chain](#)
[Policies](#)
[Applications](#)

[Delhaize America](#)
[Policies](#)
[Associate Conduct](#)
[Personal Behavior](#)
[Personal Behavior](#)
[Personal Behavior](#)

[Back](#)

[Printable Version](#)

Your Total Rewards@Work

POLICIES

Personal Behavior

All Delhaize America, LLC Associates

Special Note: Consultation with your Associate Relations Specialist/Manager/Partner prior to application or implementation of the provisions of this policy is required.

The Company holds integrity among its core values, which includes adherence to lawful, ethical and professional conduct. Our goal is to provide a work environment that benefits and protects the rights and safety of all.

The following conduct is prohibited, and will subject you to disciplinary action up to and including termination of employment (See the Performance Counseling Policy for further information on the accountability process), as determined by your supervisor in consultation with your Associate Relations Specialist/Manager/Partner:

1. Insubordination. This includes refusing to follow management's instructions concerning a job related matter and willful failure to comply with the Standard Practices prescribed by the Company.
2. Verbal or physical assault or intimidating or threatening any associate, vendor or customer.
3. Violation of the Company's Respect in the Workplace policy.
4. Possession of firearms, ammunition, explosives, and illegal knives on Company property, unless the associate is specifically authorized by the Company to carry such a weapon on the property or allowed by state law.
5. Unauthorized sharing of Company passwords or PIN numbers.
6. Engaging in fraudulent behavior that intentionally exposes the Company to risk or potential loss. Examples include writing personal checks to the Company on insufficient funds, the unauthorized use of credit, debit, or gift cards, misuse of store or vendor coupons, or giving or receiving other unauthorized discounts or markdowns.
7. Theft or misuse (including defacing or damaging) of Company property, or that of a customer, vendor, or another associate.
8. Violation of established safety practices or failure to report an accident. This includes contributing to unsanitary or dangerous conditions.
9. Habitual tardiness or absenteeism without approval (see Attendance and Punctuality policy for more information).
10. Gambling on Company property.
11. Falsifying any Company documents, records or reports, whether in paper or electronic form, including but not limited to an application for employment, a production record, a time record (including working off the clock and leaving the place of work without permission while still on the clock), shipping or receiving records, account reports, or benefit enrollment documents.
12. Requiring or permitting a subordinate to work off the clock.
13. The use of alcoholic beverages or illegal drugs on Company property or reporting to work under the influence of alcohol or performance inhibiting drugs.
14. The purchase, possession, use, sale, or distribution of any age restricted product by an associate not of legal age. These products include, but are not limited to alcohol, tobacco, fireworks, and other age restricted materials. Additionally, the sale or distribution of any age restricted product to a customer or associate not of legal age.
15. Serious inefficiency, including neglecting or avoiding work duties or responsibilities.
16. Conduct unbecoming of a manager or any other conduct by an associate which violates Company policy, State or Federal law.
17. The possession, on Company property, of a controlled substance (and/or drug paraphernalia), other than a drug prescribed for you by a physician, or the sale of controlled substances on Company property.
18. Failure to comply with the Food Safety & Food Defense Policy (See the Food Safety and Defense Policy for further details);
19. Failure to comply with any Delhaize America policy related to information security, data privacy, or HIPAA security. (See the Delhaize America Information Security Policy Book, Delhaize Information Security Standards Book, and the Delhaize America HIPAA Security Policies and Procedures for further details.)

The foregoing are examples of behavior that will not be permitted, but the list is not intended to be all-inclusive.

The Company respects associates' right to engage, or refrain from engaging, in activity protected by Section 7 of the National Labor Relations Act, including forming, joining, or assisting labor organizations, bargaining collectively, and engaging as a group in activities aimed at improving their wages, hours or working conditions. Nothing in this policy is intended to restrict these rights, nor will the policy be applied in such a way.

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EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 523-2018-00274	
Equal Employment Opportunity Commission <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) Mr. Timothy Record		Home Phone (Incl. Area Code) (603) 828-1981	Date of Birth 06/10/1961
Street Address 548 Broad Street		City, State and ZIP Code Portsmouth, New Hampshire 03801	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name Hannaford Brothers Company		No Employees, Members 26,000 +	Phone No. (Include Area Code) (207) 883-2911
Street Address 145 Pleasant Hill Road		City, State and ZIP Code Scarborough, Maine 04074	
Name <div style="text-align: center; opacity: 0.5;">RECEIVED DEC 04 2017 E.E.O.C. BOSTON AREA OFFICE</div>		No Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 03/01/2017 08/31/2017 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<ol style="list-style-type: none"> 1. I had been employed by Hannaford Brothers Company ("Hannaford") for approximately 10 years. 2. I am gay and my co-workers were aware of my sexual orientation. 3. I was working as the assistant seafood department manager in the Hampton, NH Hannaford store when, in or around February 2017, Hannaford hired Bruce Grover as the meat department manager. 4. As the meat department manager, Mr. Grover was my direct supervisor. 5. Almost immediately after Mr. Grover was hired, and through the date I resigned, Mr. Grover subjected me to a highly offensive, discriminatory, hostile and abusive work environment, and Mr. Grover's intentional and overt harassment made me apprehensive about working at Hannaford in Hampton, NH. 6. The harassment and abusive treatment by Mr. Grover included, but was not limited to: <ol style="list-style-type: none"> a. Remarking to another Hannaford employee while I was present that I "am three feet shorter with my head in the pillow"; b. While Mr. Grover and I were on the floor during store hours, Mr. Grover tapped me in the genitals twice and said "baseball," "baseball"; c. When I declined to try some of the meats from a vendor offering samples in the store, Mr. Grover said, with an obvious tone of inflection, that everyone knows I "eat the meat"; d. Mr. Grover would openly refer to me by derogatory, demeaning and effeminate names, calling me, for example, a "bitch" with obvious inflection to signify his intent in using that particular name; and e. When I was bending to place down a mat beneath a scale in the meat department and Mr. Grover was nearby, Mr. Grover made gestures to another employee to suggest that I was attempting to perform a sexual act on him. 7. In or around April 2017, I complained to the store manager, Ms. Ashley Campo, about Mr. Grover's conduct and harassment. 			



8. Hannaford protocols require employees report misconduct or unlawful activities to their immediate supervisors; however, I reported to Ms. Campo because my immediate supervisor was the one engaging in the offensive and unlawful conduct.
9. To that end, I told Ms. Campo about Mr. Grover's remarks that about my face in the pillow and eating the meat, as well as Mr. Grover's tapping of my genitals.
10. Ms. Campo assured me she would have a conversation with Mr. Grover and would look into my complaints.
11. Believing Ms. Campo would treat my complaints with the appropriate gravity such unlawful conduct deserves, I did not file additional complaints with HR or corporate headquarters.
12. Although the overt acts of harassment and abuse subsided for a while, Mr. Grover's abusive, discriminatory and harassing treatment resurfaced in August 2017.
13. Mr. Grover's misconduct included, but was not limited, referring to me by derogatory and effeminate names and making gestures to suggest to another employee that I was trying to perform sexual acts on him.
14. Given Ms. Campo's prior assurances and representations following my initial complaints, I construed the resurfacing of Mr. Grover's discriminatory and abusive conduct as Hannaford being more tolerant of bigotry than my rights to a workplace free of discrimination, harassment and abuse.
15. Mr. Grover's actions caused me mental anguish and distress, and I could not continue to work under a supervisor who was able to engage in discriminatory, abusive and harassing conduct with impunity. Nor could I continue to work for a company that was complicit in such behavior and conduct of its employees.
16. Accordingly, I had no choice but to tender my resignation.
17. When I told Ms. Campo I planned to resign, I confronted her about Mr. Grover's actions and Hannaford's response to my legitimate complaints that were raised months beforehand.
18. To my dismay and astonishment, I learned that Hannaford decided to handle my claims of sexual harassment, discrimination and abuse internally at the Hampton store. In other words, I learned that Hannaford had completely dismissed and disregarded my complaints, as well as my rights as a human being.
19. I have been discriminated, harassed and subjected to sexual assault and abuse because of my sexual orientation.
20. Hannaford has also retaliated against me. That is, Hannaford deliberately chose to not transfer me to another location even though I know it is Hannaford's policy to remove and transfer persons who complain of harassment and discrimination. What is more, my employee file omits records of several complaints I had made about being the victim of discrimination, abuse and harassment during my tenure with Hannaford.
21. I have suffered significant emotional distress, mental anguish, physical harm and pain and suffering as a result of the actions and omissions set forth above.
22. Additionally, I have also suffered lost income, lost wages, lost promotion opportunities and legal fees and costs as a result of the discrimination, harassment and abuse set forth above.
23. For these reasons, I file this charge of discrimination against Hannaford.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

11/29/2017
Date

Matthew Reardon
Charging Party Signature

NOTARY - (When necessary for State and Local Agency Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

11/29/17



November 6, 2017

This past April I was in the Seafood dept. having a conversation with Tim Record. Bruce Grover walked by, and Tim stated he did not know if he would be able to continue working with Bruce. I asked him why, and he said he was tired of his sexual remarks. One of which included a reference of Tim "eating meat". I told Tim I would look into it. I then talked to Bruce, and he said it was said to be funny. I told Bruce this was unacceptable, and that he needed to apologize to Tim, which he did. Later on that night, I talked again to Tim and asked him how the talk with Bruce went. Tim said he accepted Bruce's apology, with the condition that it never happens again, because if it did, he would go to HR. To my knowledge, no other situations occurred.

Jeff Howard

Evening Operations Manager





george spelvin <trecord2580@gmail.com>
To: tdube@hannaford.com

Fri, Aug 25, 2017 at 4:58 AM

Hello

After much consideration and thought I have decided to leave Hampton Hannaford. My last day will be Friday September 1st 2017.

Tim Record

george spelvin <trecord2580@gmail.com>
To: bruce.grover@hannaford.com, ashleycampo@hannaford.com

Fri, Aug 25, 2017 at 7:08 AM

[Quoted text hidden]

Campo, Ashley <ashleycampo@hannaford.com>
To: george spelvin <trecord2580@gmail.com>

Fri, Aug 25, 2017 at 8:28 AM

Hi Tim,

I am very sorry to hear that. I would like to touch base with you next time we are working together if you are ok with that. Please feel free to reach out to me anytime you need to. Thank you.

Ashley Campo
Store Manager
Hampton NH #8319
781.435.1000

RECORD <<001>>

8/26/17

Conversation Recap

On Saturday 8/26/17 I sat with Tim Record to talk about the one week notice I received from him the previous day via e-mail.

Tim told me that he was no longer comfortable working with Bruce as his manager, and after talking with his family he has decided to leave. At this time, Tim told me he has another job as a Manager Trainee at the Golden Harvest in Kittery, ME.

Tim asked me if HR was ever contacted when Bruce made an inappropriate remark to Tim regarding his sexual preference when he first started back in February. I told Tim that HR was not contacted as some time had passed before I found out about the situation. I reminded Tim that I did follow up on the situation and then followed up with him to make sure that he was comfortable with Bruce's apology and the outcome of how the situation was handled and Tim told me he was fine.

From there Tim started to tell me some recent events of why is not comfortable working with Bruce. Tim claimed that on Sunday Aug 20th he was straightening out a mat in front of the seafood scale and Bruce was near the department along with our Center Store Manager, Kyle. Tim stated that when he bent over Bruce made a face and covered his private parts towards Kyle.

The previous week (W/E 8/19) Tim stated he was putting things away in the department and Bruce came over and started asking him questions of why things were not done and put away. Tim stated that Bruce's tone was very aggressive. Tim said that Kyle was in Produce blocking cut fruit and Tim said to Kyle, "Do you hear the way he is speaking to me?" Kyle replied that he was staying out of it.

Tim stated that he requested his breaks at 9am recently due to needing to take medication. Tim stated that Bruce did not cover his breaks until well after 9am on three separate days W/E 8/19. Tim said when he went upstairs on his break Bruce was in the manager office playing on his phone, Tim says Bruce is often on his phone in the office when he should be working. Tim also stated on the same week that Bruce has been making him wait until 6 hours to take a lunch.

Time claimed that when he was doing fresh inventory in July that Bruce had him performing inventory by himself. Tim stated he had to do inventory, train a new person, and wait on customers. Tim stated when he approached Bruce about this that Bruce's response was, "You don't have to be a bitch about it."

The last piece of information that Tim wanted to share with me was last week (W/E 8/19) Bruce was preparing his anniversary dinner while the department was behind and associates were upset by this.

When I asked Tim why he didn't tell me any of this previously he stated he just had too much going on with the passing of his mother. I apologized to Tim for him feeling this way and us not knowing about it. I told him I will be looking into his concerns and speaking with Bruce when he returns from vacation next week.



Bruce

george spelvin [trecord2580@gmail.com]

Sent: Thursday, August 31, 2017 6:23 PM

To: Record, Timothy

Gay harassment continue

× placing mat in front of scale - looked and covered his crotch.

× bitch comment , "I know you can do it, bitch"

Belittling me in front of Kyle

Ignoring requests for brakes when on medication

17,18,20..... all at least 3 hours and 50 minutes before I had a break

He told me that I could have lunch at the 6 hour mark completely against standard practice.....

Absurd management Behavior

On the internet looking to find Kyle a girlfriend on company time

(John Garland)

Making anniversary dinner in Department instead of helping Associates who need assistance(Pam Proctor)

Having Tim do inventory , train new Associates, and wait on customers all of the same time never been done or heard of

Leaves early without even saying goodbye to Associates and asking them if they need any help whatsoever

→ Ignoring request for break,

Tim Proctor



04/10/2019 10:32 8034315538

ACT

#8703 P.001/005

Fax/ACT

Associates for Cognitive Therapy
500 Market Street 1-G
Portsmouth, NH 03801
603.427.1428

Date: 4-10-19
To: Danielle @ Boynton & Waldron
Fm: J. Wagner
Re: Tim Record
@#: 431-9973

Notes/Instructions:

Cops! Sorry.... These are the only times I've
seen Tim.. 1-10-18 & 11-29-18
ju.

EXHIBIT

tabbles

Record # 13

10/3/19

04/10/2019 10:33 6034315538

ACT

#B703 P.002/005

Jeffrey M. Wagner, Ph.D.
500 Market Street Unit 1-G
Portsmouth, NH 03801
603.427.1428

January 10, 2018

Re: Tim Record

Psychological Assessment

Tim called to review issues pertaining to treatment received as Seafood Manager at Hannaford in Hampton, NH.

Mental Status and Behavioral Observations

Tim is a 56-year old gay man. He was on time for his appointment and was casually and appropriately dressed and groomed. He was oriented X3. No hallucinations, delusions, homicidal or suicidal ideation was noted. There was no thought disorder. Mood appeared depressed and affect sad. He was occasionally tearful when discussing events at Hannaford.

Description of the Narrative

Tim had worked at Hannaford for 10 years. During that time, he had noted numerous gay slurs conveyed by co-workers (e.g., after gay marriage was legal in NH, a co-worker said, "God hates gays"). There were other such comments that he reported to his manager, but noted that no action was taken and the slurs continued.

Last February (2017), he got a new manager (Bruce), who, Tim said, "tapped him in the genitals" with a loaf of bread. When Tim's cousin came to meet Tim in the store, Tim introduced the cousin to Bruce, who made a gay slur as a response. When Tim brought up a workplace issue to Bruce, Bruce replied, "you don't have to be such a bitch about it". Tim said that Bruce would never talk to a straight man like that.

Tim had routinely gone to his managers (first Robin, then and currently Ashley) regarding this treatment, but no one from HR ever got back to him about any action taken to stop this behavior. At one point, he asked Ashley if she had talked to either Bruce or HR about the comments and behavior and she told him "no".

He said that at one point, a woman who was subordinate to him (Katie) demonstrated obsessive attachment behavior, such as leaving notes on his car, showing him a picture of his mother's house, appearing at Walmart when he was shopping there. (In the profession, we would call this a "psychotic transference"). There was no behavior on Tim's part that would either provoke or encourage this behavior, and it appeared that the woman did not know Tim's

RECORD <<001>>

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ACT

#6703 P.003/005

Record 2

sexual orientation. Other women, however, complained as they considered this an "inappropriate relationship", and Tim was asked to move to a different location. The importance of this last event to Tim was that Hannaford did nothing to stop the gay slurs and belittling behavior towards him, but would ask him to transfer when this woman's behavior (not in any way encouraged or reciprocated by him) resulted in complaints from other female workers.

Four months ago, he was unable to tolerate both the ongoing slurs directed his way, and the fact that his managers had not followed through with actions to stop the behavior. He left his Hannaford job due to the resulting psychological stress and its effect on him.

Since that time, he has sought legal representation, and thus seen his personnel file. He said that many positive items in the file had been removed (e.g., an award for Manager of the Year in 2015 was missing), and there was some possibility that other workers had been asked to submit any negative information about Tim for the file.

Current Symptoms

Tim is experiencing symptoms of Major Depression, including sleep onset insomnia, mid-cycle and early morning awakening, loss of appetite, decreased libido, sense of worthlessness, loss of ability to experience pleasure (anhedonia), tearfulness, increased irritability, decreased interest in social contacts. There is not suicidal ideation. These are symptoms of Major Depressive Episode.

Formulation

Tim's Major Depressive Episode is a direct result of both the derogatory behavior and comments directed at him by personnel at Hannaford (both co-workers and Bruce, the Meat Manager and his direct supervisor) and the fact that no action was taken to address these behaviors by managers or HR at Hannaford.

Both the original behaviors/comments and lack of further follow-up and action left Tim feeling like "they just don't care", "I don't matter", "I'm not worth their time". This devaluation and invalidation directly led to Tim's depression.

04/10/2019 10:33 6034315538

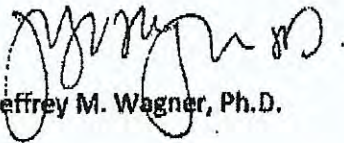
ACT

#8703 P.004/005

Record 3

While Tim said that his mother died last February, he dealt with this loss without issue. In observing his affect and demeanor when discussing either his mother's death or the continuous derogatory behaviors from Hannaford, it is clear that the change in affect – the sadness and tearfulness – occurred when discussing the Hannaford treatment.

We discussed various strategies for dealing with the depressive symptoms and understanding the psychological and interpersonal dynamics that routinely give rise to these symptoms.



Jeffrey M. Wagner, Ph.D.

OFFICE OF THE ATTORNEY GENERAL
STATE OF NEW YORK
ALBANY, NEW YORK
9/18/2019

Re: The Honorable

State of New York

Dear Mr. Attorney General: I am writing to you regarding the recent release of information regarding the State of New York's handling of the 2019 election. I am writing to you regarding the recent release of information regarding the State of New York's handling of the 2019 election. I am writing to you regarding the recent release of information regarding the State of New York's handling of the 2019 election.

Very truly yours,

John J. Frawley

04/10/2018 10:34 6034315538

ACT

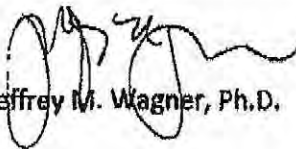
#6708 P.005/005

Jeffrey M. Wagner, Ph.D.
500 Market Street Unit 1-G
Portsmouth, NH 03801
603.427.1428

Re: Tim Record

11-29-2018

Saw Tim in January for assessment. He continues to deal with aftermath of treatment received at Hannaford, as detailed in January 2018 report. Continues with depressive symptoms – low mood, sleep issues, anhedonia, increased irritability, decreased libido, sense of worthlessness. Discussed strategies to help with these symptoms and to protect sense of self in face of invalidating treatment & comments.


Jeffrey M. Wagner, Ph.D.

On 8/13/2017 I was blocking the produce melon/drinks side case at approx. 10:15 am. As I was finishing up blocking and started to make my way towards the Seafood Department, I saw Bruce ask Tim to do a certain task. I did not hear what was said or how it was said to Tim. I remember Tim looking at me and say did you hear that. My response was don't involve me. You guys work it out. I did not believe it was anything egregious. My thought was Tim did not want to do what Bruce had asked him as I have observed on other occasions.

When I have overseen the store, I have remind Tim on my first walk around 8am to make sure he cleans the glass on the seafood case. When I would do my 10am store walk the glass has not been cleaned. To which I would find the manager in charge of the meat department and ask them to have Tim clean the glass.

On another occasion when I was overseeing the store, I made my way to seafood around 8:15am and I observed the lobster tank empty. I asked Tim if he knew what was going on. He said no. My next conversation was with the John Garland about if he knew why we did not have any lobsters in the tank. Tim claims that I snapped at him that morning. That was completely inaccurate. I don't recall having another conversation with him until I found out what had happened to the lobster tank.

On 8/17/2017 I was stocking the meat side case. During that time Tim, had walked from the seafood to the meat department three to four times. I believe the first time I said good morning to Tim. On the 3rd or 4th time Tim walked up to me and said "thank you for stocking the pickles today" with a smile. My response was "not a problem or your welcome".

On several occasions when I have been working on the computer in the manager's office, Tim would come in to get his lunch box out of the filing cabinet. At that time, he would touch my arm or as her would reach down to open the bottom drawer tap my leg and say "oh excuse I need to get into their" Recently if I saw Tim coming into the office I would stop my work and move before he got near the drawer.

On other occasions, I have been working in the grocery aisles and have looked down to the end of the aisle and observed Tim walk by the aisle I was in, Tim would turn around and walk down my aisle.

Earlier this year when I was doing my center store walk, Tim approached me and said "I had a dream about you last night" My response was "oh that's nice" and continued with my store walk. This was an uncomfortable conversation.

Tim, on another occasion during my center store walk told me "he used to be a male pole dancer"

Tim would also like to first bump me or hit elbow to elbow if he had gloves on. I would think to myself does he do this to other managers or just me?

Handwritten signature 8/30/17



From: Campo, Ashley
Sent: Wednesday, September 13, 2017 11:02 AM
To: george spelvin
Subject: RE: Hi

Hi Tim,

I am here Saturday from 1-5pm. You are definitely welcome to stop by. Unfortunately your position has been filled but you can apply to any FT position that are available. I believe there is quite a few open right now. Please let me know if you need any help looking at posting. Thank you.

Ashley Campo
Store Manager
Hampton NH #8319
P: (603) 926-9808
F: (603) 929-4042
ashleycampo@hannaford.com

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From: george spelvin [trecord2580@gmail.com]
Sent: Wednesday, September 13, 2017 9:54 AM
To: Campo, Ashley
Subject: RE: Hi

Hi Ashley,

Can I come talk to you on Saturday. The next day I have off. I would like to return to Hannaford full time if my position was still left open.

Let me know what time Saturday we can talk I hope I'm open
Thank you

On Sep 11, 2017 11:32 AM, "Campo, Ashley" <ashleycampo@hannaford.com> wrote:
Hi Tim,

Hope all is well. I am working tomorrow but I am closing. I will be here 1-10pm you can come in anytime that is convenient for you. If that does not work I am here all day Wed, Fri and 1-5pm Sat as well. Thank you.

Ashley Campo
Store Manager
Hampton NH #8319
P: (603) 926-9808
F: (603) 929-4042
ashleycampo@hannaford.com

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From: george spelvin [trecord2580@gmail.com]
Sent: Monday, September 11, 2017 9:34 AM
To: Campo, Ashley
Subject: Hi



Hello Ashey,
I'd like to take you up on your offer
I wanted to see if you have time to talk tomorrow about returning to Hannaford
Please let me know if you have time.
Tim Record

From: Campo, Ashley
Sent: Thursday, September 21, 2017 8:35 AM
To: george spelvin
Subject: RE: Checking In

Hi Tim,

Sorry I was off yesterday and just found out I am closing on my house at 4pm today in Barnstead so I will be leaving the store at 3pm. If you would like you could give me a call? 603-582-5243. They just posted an Asst Seafood Manager job in Raymond if you are interested.

Ashley Campo
Store Manager
Hampton NH #8319
P: (603) 926-9808
F: (603) 929-4042
ashleycampo@hannaford.com

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From: george spelvin [trecord2580@gmail.com]
Sent: Wednesday, September 20, 2017 9:01 AM
To: Campo, Ashley
Subject: RE: Checking In

Hi Ashley
I get out of work at 3 p.m. on Thursday I will be at Hannaford at 4 p.m. to talk to you.
Thank you
Tim

On Sep 19, 2017 10:58 AM, "Campo, Ashley" <ashleycampo@hannaford.com> wrote:
Hi Tim,

I am off Wed, Fri & Sat this week. I am here til 3 today and 1-5 Thur.

Have you been able to look at the postings at all? Thank you.

Ashley Campo
Store Manager
Hampton NH #8319
P: (603) 926-9808
F: (603) 929-4042
ashleycampo@hannaford.com

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From: george spelvin [trecord2580@gmail.com]
Sent: Tuesday, September 19, 2017 10:32 AM

To: Campo, Ashley

Subject: Re: Checking In

Good morning Ashley,

I actually have Saturday off. Can we meet anytime you want it's convenient for you. I still would like to get a job full time to keep all my benefits vacation and time that I built.

Thank you so much, have a great day

Tim

On Sep 19, 2017 7:56 AM, "Campo, Ashley" <ashleycampo@hannaford.com> wrote:
Hi Tim,

I wanted to check in and see where you may be at with things. I wanted to see if you wanted to stay on PT still and if you need help or still interested in apply for FT roles within the company. I would still be more than happy to meet with you.

I would need to know if you wanted to stay on PT by the end of this week (9/23) as you are still active in the system. Please don't hesitate to reach out to me or call me if you have any questions. Thank you.

Ashley Campo

Store Manager

Hampton NH #8319

P: (603) 926-9808

F: (603) 929-4042

ashleycampo@hannaford.com

Hannaford is a Delhaize America company.

From: Campo, Ashley
Sent: Wednesday, September 27, 2017 2:55 PM
To: trecord2580@gmail.com
Subject: RE: Hampton Deli

Hi Tim,

I understand you needing to take a FT position. At this point would you like us to terminate your employment with Hannaford?

Ashley Campo
Store Manager
Hampton NH #8319
P: (603) 926-9808
F: (603) 929-4042
ashleycampo@hannaford.com

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DELHAIZE CONFIDENTIAL: DO NOT FORWARD OR CIRCULATE

From: trecord2580@gmail.com [trecord2580@gmail.com]
Sent: Wednesday, September 27, 2017 2:54 PM
To: Campo, Ashley
Subject: Re: Hampton Deli

Hi Ashley,
I've decided to take a full-time position elsewhere thank you.
Tim Record

Sent from my Verizon LG Smartphone

----- Original message -----
From: Campo, Ashley
Date: Wed, Sep 27, 2017 9:20 AM
To: george spelvin;
Cc:
Subject: Hampton Deli

Hi Tim,

I called and left you a message on Monday but have not heard back from you. Are you still interested in Deli PT? If so did you want to start next week? Also what is your availability and any upcoming request offs that you need?

If you have any questions or would like to discuss further please feel free to give me a call, I am here until 5pm today. I would really need a response by the end of the day today as I am not here for the next two days and deli needs to complete their schedule. Thank you.

Ashley Campo
Store Manager
Hampton NH #8319
P: (603) 926-9808
F: (603) 929-4042
ashleycampo@hannaford.com

Hannaford is a Delhaize America company.

Sept. 21, 2017; 12:04 pm

Hi Ashley it's Tim I just got your message it is noon and I understand [partially inaudible] ... the closing of your house so that's exciting, but let ... could you just text me or email me and let me know when you are going to be available ... I don't want to be terminated ... I want to get back to Hannaford -- I need your help to do that um hopefully you know my pay is not going to change or anything like that um but I do want to take you up on your offer to get back in there and stay so if [partially inaudible] I could just let me know if I can talk to Terry or something. I have Saturday off if I could talk to anybody at Hannaford then I will contact them get in touch with them

Thank you so much for your help. Talk to you later. Bye.



DELHAIZE AMERICA

September 30, 2017

Tim Record

548 Broad St. Apt 4F

Portsmouth, N.H. 03801

Dear Tim,

In the last communication with Ashley, you stated that you have accepted a full-time position outside of Hannaford. I wish to offer congratulations on that. On Wed. 9-27-17, she asked if we should terminate your employment with Hannaford.

As of Saturday, 9-30-2017, you still haven't responded. If we don't hear from you by October 12, 2017, we will process your termination of employment with Hannaford.

Sincerely,



Theresa E. Dube

Associate Relations Manager


Hampton Hannaford

630 Lafayette Rd.

Hampton, N.H. 03842

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